



DATE RECEIVED:	7/19/25
FROM:	Mason Leavitt
PHONE OR EMAIL:	

120 Shelton McMurphy Blvd Suite 280
Eugene Oregon 97403
Mason Leavitt, GIS Analyst & Programs Coordinator

Chair Fowler, Vice Chair Haiman and Members of the Planning Commission,

Thank you for making time for members of the community to speak here again and we all appreciate your continued service through this thoroughly complex application. My name is Mason Leavitt and I am a GIS analyst and programs coordinator for Beyond Toxics an environmental justice organization that works to address air, water, and soil quality concerns throughout the state of Oregon. We have worked with the residents of Soap Creek Valley and Adair Village for 3 years now regarding the operations of the applicant.

I would like to speak to two items generally this evening. First, I wish to briefly raise novel concerns over the applicants ability to meet CUP criteria for Forest Conservation zones. Second, I wish to respond to Republic Services supplement odor study and some of the discussion points raised last night as well as the related conditions of approval.

Benton County code 60.220 B states that a CUP must be found that it "will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel"

The findings and evidence in the record do not support that the proposed use will not significantly increase fire hazard or fire suppression costs and risks. The findings do not sufficiently address the Adair Rural Fire Protection District's recommendation to deny the application, including because the proposal may increase traffic and associated emergency response demands and present elevated fire risk, burdening the volunteer-based fire department. As discussed in detail last evening, exhibit 20 is primarily based on landfill staff interviews, not a systematic review or record of fire events at the landfill site. The applicant's consultant stated last night that the landfill operators do not and have not kept a record of site incidents related to fire. While the COAs related to fire would not require them to do so, this is allowing the applicant to build the plane as they fly it. Benton County code clearly states that they must show the new operations would not increase a fire risk, and the applicant has stated they have failed to construct an accurate, complete, and representative database of fire incidents at the landfill.

In May I began my testimony on odor with the quote "All models are wrong, but some are useful" but today I will begin with two quotes from the applicant's odor consultants. "Models are not great at modeling surfaces that have complex topography" They also stated "Models like this - in reference to AERMOD- are not such that they track perfectly what we measure". All three of these quotes nail a fundamental limitation of models- they do not reflect reality. Hence why the saying all models are wrong is important to remember tonight.

Last night both county staff and the applicant's consultant suggested their revised model is a substantial improvement from the first study since it now demonstrates levels of hydrogen sulfide that would constitute a nuisance at the fence line of the applicant's property. I agree with their assessment that this is an improvement, but I would assert here tonight that the model still does not reflect what hundreds of residents in the soap, Creek Valley and Adair Village experience. You have seen and heard numerous testimonies that clearly demonstrate folks smell levels of landfill gas that constitutes a nuisance much farther away than just the fence line at the facility. This means that the applicant's model is still not an adequate reflection of reality and does not meet the burden of proof to demonstrate that a significant burden is not occurring on adjacent properties. Remember, it is their burden of proof, and if they cannot prove that then the application should be rejected.

Recall, the applicant's model is based on weather inputs, an assumed input of 930,000 tons of organic waste, and a fugitive emissions rate of 25%. Based on third party satellite data and an ongoing investigation from the EPA, it is more than likely Coffin Butte has a fugitive emissions rate higher than 25%. In a hearing in late May on Coffin Butte's Title V air permit conducted by ODEQ, DEQ outright stated they do not have the expertise or staff capacity to evaluate if that 25% assumption is valid or invalid. The expertise to validate this assumption does not exist in the state of Oregon, and we have many reasons to doubt that assumption that the applicant has not responded to.

Next, I would like to address the input rate of 930,000 tons of organic waste. Last night consultants hired by the Benton county planning staff stated that annual reports submitted to Oregon DEQ corroborate the applicant assumption of 930,000 tons of organic waste. I have submitted to the record tonight one of those annual reports. They do not distinguish between inorganic and organic waste intake. Instead, they distinguish between municipal solid waste and construction and demolition waste. Based on the statements from planning staff and the applicant, it appears that there is an equation of municipal solid waste and organic waste. However, the conditions of approval put forth by county staff and the applicant state there ought to be a limit of 930,000 tons of organic waste as a COA. I want to note that there was no clear definition put forth by the applicant of what constituted organic waste, and that seemed to differ from the earlier discussion of what went in the model input.

Second, in the same hearing for a title five air contamination discharge permit with Oregon department of environmental quality I mentioned earlier and in the planning documents submitted to Benton County, the applicant stated they estimate they will have an intake of 1.5 million tons per year. Note this contradicts what we heard in May when the applicant stated they

did not plan to increase waste intake beyond the current 1.1 million ton limit. The applicant has offered no clarity on how they plan to document organic versus inorganic waste, they have offered no explanation on how the 930,000 ton input for the model is corroborated by annual reports submitted to Benton County, and there was a complete conflation of these terms during last night's hearing. The lack of clarity obfuscates the parameters of the odor model and how they plan to comply with conditions of approval.

Finally, I want to observe again that the applicant has chosen not to deploy air monitoring as a technique for corroborating the findings of their odor study. The applicant has even submitted other odor studies done at landfills experiencing similar problems, but they have declined to do so for this landfill. SCS engineers, one of the consultants hired by the applicant, even strongly suggests using air monitors and drones as an assured method to prevent odor nuisances.¹

Ironically, one of the conditions of approval requires that the applicant deploy a hydrogen sulfide monitor as part of their operations. Additionally, as discussed last night, SB 726 might require the use of drones depending on how DEQ structures the rules, but this would only start in 2027. This seems to be placing the cart before the horse. Instead of the applicant clearly demonstrating that they are keeping hydrogen sulfide levels at adequate concentrations to prevent odor nuisances, they are allowed to expand their operations and then do so. Additionally, the applicant and county staff made it very clear last evening that these conditions of approval are only related to the new landfill. How will we know if the hydrogen sulfide measured on these air monitors comes from the old landfill versus the new landfill? Beyond Toxics has decades of experience with this exact conundrum, and I can tell you, it is next to impossible to meet an evidentiary standard a multi billion corporation wouldn't be able to have dismissed.

This means the applicant will have the ability to blame high levels of hydrogen sulfide on the old landfill and claim they are still operating within conditions of approval. This conundrum makes many of these conditions unenforceable, and this problem extends beyond odor. Additionally, the other conditions related to odor are based on someone smelling the air and then smelling a high concentration of hydrogen sulfide before making a subjective determination if the air constitutes a nuisance. This means we will be stuck in a he smells/ She smells conundrum constantly. Even if the county chose to invest in COA enforcement, meeting the evidentiary standard of definitive proof that the new landfill is the source of these odor problems would be next to impossible.

As one last note on odor, I want to remind the planning committee that testimony has shown the applicant is failing to use best practices to prevent odor issues. Multiple satellite images have demonstrated a failure of the applicant to fully cover their working face with soil or tarps, one of their alternative daily covers. The applicant has also stated in a rebuttal to my

1

<https://www.scsengineers.com/the-who-what-when-where-and-why-of-measuring-and-controlling-landfill-odors-and-h2s/>

testimony that tarps are not intended to prevent landfill gas from escaping, which raised the question of why they are using it for daily cover. Additionally, the EPA has found the applicant's intermediate cover to be inflated with methane gas, which means holes in that intermediate cover would seem to likely be belching gas.

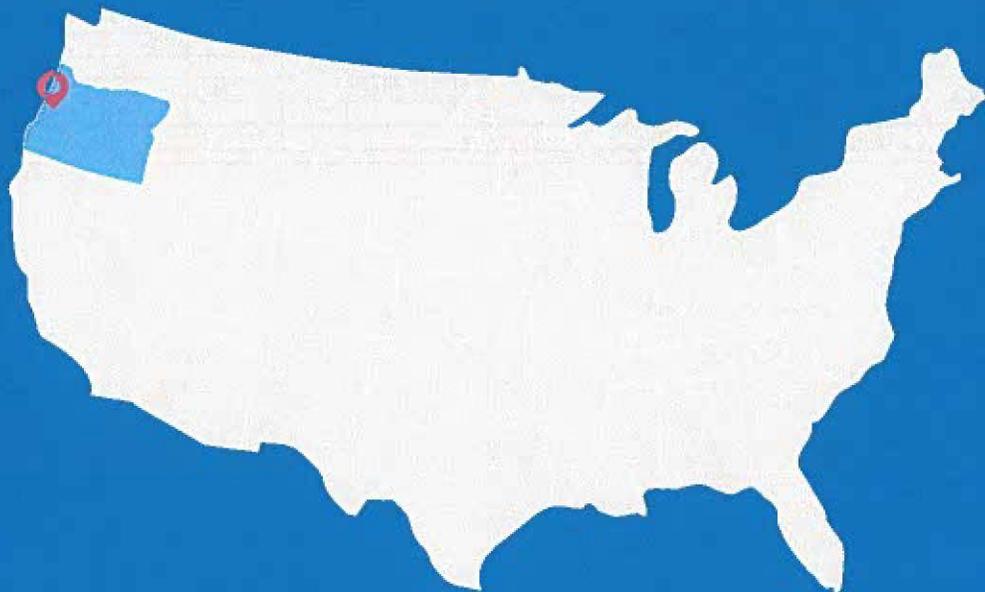
The planning commission has two different sets of data in front of them that lead to different conclusions on the issue of odor. On one hand, the applicant has proposed an odor model, whose underlying parameters are in serious question. On the other hand, there are hundreds of public testimonies pointing to odor as an existing serious interference that will be exacerbated both through an increase in waste and an extended duration of landfill operations. The applicant has dismissed these experiences as anecdotal, but they are also trying to use them to validate their model. Benton County code clearly states the planning commission can approve or deny an application at their discretionary interpretation. It is up to your discretion, which set of data you find to be more valid as you make your decision.



Sustainability in Action

Coffin Butte Landfill and Pacific Region Compost Annual Report

Benton County
2023



Summary of Landfill Users

(By County of Origin)

SUMMARY OF LANDFILL USERS BY COUNTY OF ORIGIN

Coffin Butte Landfill Tonnage by Type and County - Total for Year 2023

County	Vehicles	Commercial							Public			Alternate Daily Cover				Compost	
		MSW	C&D	Asbestos	Agricultural Waste	Industrial Waste	Sludge	Totals	MSW	Other	Totals	Contaminated Soil	Covanta Ash	Shaker Fines	Totals	Yard Waste Received	Compost Sales (Yds)
Benton	23,310	50,791.66	7,672.54	12,190	2,211	18,025.69	-	76,617.00	9,432.29	-	9,432.29	16,024.73	-	-	16,024.73	2,656.70	7,153.30
Linn	31,644	79,294.20	4,209.07	159.41	95.77	32,139.44	12,504.38	128,402.27	6,021.67	-	6,021.67	5,179.93	-	-	5,179.93	923.15	50.00
Polk	16,626	40,383.34	1,567.19	122.61	892.71	7,402.03	6,218.74	51,591.62	3,367.85	-	3,367.85	2,236.80	-	-	2,236.80	250.00	63.25
Marion	12,094	213,992.44	519.86	276.56	163.43	5,616.25	-0.66	220,554.50	973.48	-	973.48	6,445.39	25,199.96	-	31,645.35	76.90	12.00
Lane	2,207	4,184.63	150.20	3.50	-	23,781.64	-	28,119.97	50.56	-	50.56	16,343.03	-	-	16,343.03	0.56	4.00
Tillamook	1,609	29,373.43	-	0.02	1,695.73	727.94	7,335.06	39,127.23	71.14	-	71.14	-	-	-	-	-	-
Yamhill	4,518	95,502.05	259.41	20.87	1,151.94	416.28	-	97,450.55	474.37	-	474.37	35.07	-	-	26.07	3.12	-
Lincoln	5,264	44,661.45	111.82	67.04	-	42,394.51	63,932.31	151,157.23	30.03	-	30.03	719.39	-	-	719.39	1.81	-
Coos	7	-	-	-	-	-	4.57	4.57	-	-	-	48.96	-	-	48.96	-	-
Pierce, WA	21	1.11	-	-	314.81	17.31	-	333.23	-	-	-	-	-	-	-	-	-
Washington	6,956	178,437.10	0.47	45.82	171.72	281.70	-	178,936.81	1.26	-	1.26	-	-	2,783.72	2,783.72	-	-
Jackson	5	0.62	-	-	-	0.07	-	0.69	-	-	-	5.11	-	-	5.11	-	-
Multnomah	221	2,555.81	-	52.75	-	394.60	-	3,004.16	-	-	-	414.55	-	-	414.55	-	-
Douglas	396	10,969.37	-	5.17	-	1.90	-	10,976.44	4.74	-	4.74	149.99	-	-	149.99	-	-
Clackamas	1,053	13,503.89	2.78	175.59	1,656.56	2,382.62	2,245.84	19,967.25	5.97	-	5.97	3.54	-	-	3.54	-	-
Columbia	7	-	-	6.73	-	-	-	6.73	-	-	-	-	-	-	-	-	-
Curry	1	-	-	-	-	-	-	-	-	-	-	9.11	-	-	9.11	-	-
Jefferson	1	-	-	-	1.42	-	-	1.42	-	-	-	-	-	-	-	-	-
Clatsop	21	0.05	-	-	-	592.00	-	592.05	-	-	-	0.20	-	-	0.20	-	-
Lake	5	0.57	-	-	-	-	-	0.57	-	-	-	-	-	-	-	-	-
Cowlitz, WA	11	-	-	-	-	281.14	-	281.14	-	-	-	-	-	-	-	-	-
Deschutes	7	0.30	-	15.43	-	-	-	16.23	-	-	-	1.01	-	-	1.01	-	-
Baker	269	3.92	-	412.29	-	1,781.63	2.50	2,200.44	-	-	-	1,101.17	-	-	1,101.17	1.70	-
Malheur	2	1.19	-	-	-	-	-	1.19	-	-	-	-	-	-	-	-	-
Josephine	2	0.26	-	-	-	-	-	0.26	-	-	-	5.33	-	-	5.33	-	-
Misc. County	20	-	-	-	-	0.27	-	0.27	576.39	-	576.39	0.15	-	-	0.15	-	-
Clark, WA	135	0.13	-	-	-	1,794.64	-	1,794.74	-	-	-	-	-	-	-	-	-
Totals	126,306							1,011,154.39			21,059.73				76,753.49		

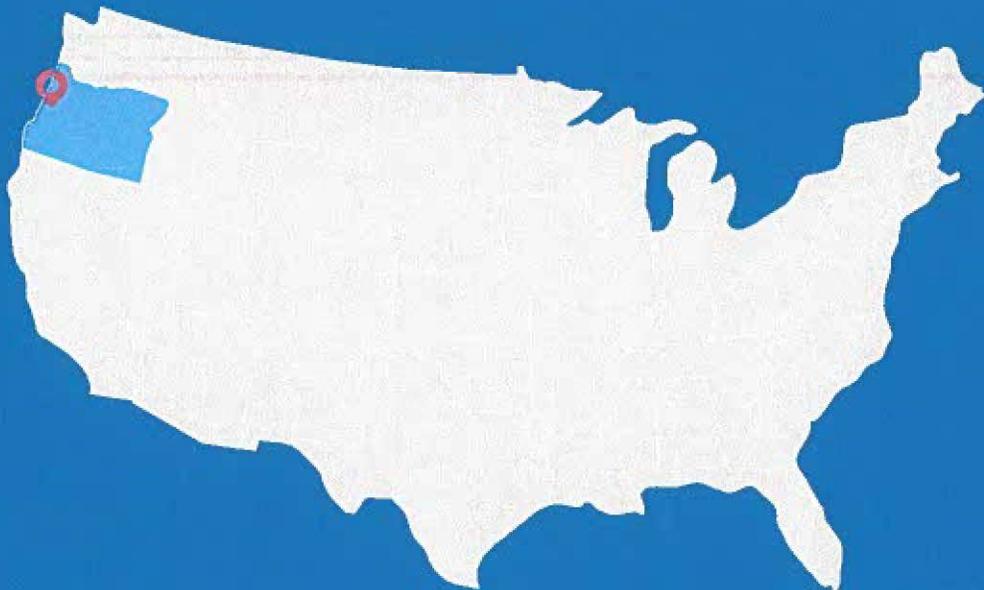


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Benton	41.207	26,437.92	13,486.17	255.11	15.20	14,280.15		75,124.55	10,629.73		10,629.73	3,318.43			2,318.43	2,227.60	245.65
Linn	33,575	74,122.51	6,193.54	302.50	110.17	32,561.15	14,224.64	137,511.51	6,107.95		6,107.95	3,008.37			1,603.27	949.22	50.00
Polk	17,461	42,585.05	2,933.01	31.07	1,021.05	2,000.44	175.11	48,993.72	4,436.31		4,436.31	877.37			877.37	550.76	16.64
Marion	11,843	197,190.64	3,283.28	467.84	1.63	5,299.31		204,622.10	1,463.95		1,463.95	7,602.42	23,289.81		37,892.23	8.89	2.90
Lane	2,136	4,855.30	51.16	347.55	46.69	34,140.81		39,481.51	42.57		42.57	3,423.28			3,423.28	8.01	
Tillamook	1,646	30,893.46	5.83	0.10	2,074.10	469.14	5,944.89	39,193.52	81.52		81.52						
Yamhill	4,499	95,060.47	3,045.04	40.36	156.52	890.53		99,391.62	264.07		264.07	945.02			945.02	0.38	
Lincoln	5,927	44,744.79	146.97	42.26		122,088.32	4,480.33	171,454.62	87.66		87.66	318.97			338.97	1.27	
Cook	51	0.15		541.83				541.92				354.61			354.61	0.18	
Pierce, WA	12				193.28	0.31		193.62									
Washington	7,510	191,964.48	0.29		197.24	192.33		194,362.22	18.10		18.10	8.57	1943.72		2,952.29		
Jackson	8											7.92			7.92		
Multnomah	79	868.91	3.63	65.20		42.01		979.61				44.11			44.11		
Douglas	394	10,476.86		0.33		207.43		10,684.62				399.69			399.69		
Clackamas	1,035	15,815.12	195.56	54.48	235.51	3,135.39	1,899.28	21,322.34	19.84		19.82	48.58			46.58	8.01	
Columbia	4	0.22	1.39					1.52	0.43		0.43						
Umatilla	1	0.20						0.20									
Jefferson	2											0.55			0.55		
Clatsop	11		4.95			581.64		586.59	2.82		2.82	13.31			16.13		
Klamath	4	0.51						0.51				73.49			73.49		
Crook	2	0.10						0.10									
Deschutes	2	0.16		8.23				9.05									
Baker	45	30.1	17.51					26.55				2.10			2.10	8.84	
Malheur	3	11.97	0.76					12.73								0.21	
Josephine	4					0.37		0.37				1.08			1.08		
Misc. County	21		6.04	5.90		0.04		11.98	12.16	30.94	43.10	30.54			30.54		0.50
Clark, WA	22	2.40				791.92		294.32				10.95			10.95		
Totals	128,045							1,043,154.55			23,597.93				48,389.29		



Mason Leavitt <mleavitt@beyondtoxics.org>

Fwd: Coffin Butte Title V Air Quality Permit

3 messages

N Whitcombe <nwhitcombe@gmail.com>
To: Mason Leavitt <mleavitt@beyondtoxics.org>

Wed, Jul 9, 2025 at 4:00 PM

All I have is this email from Mike

----- Forwarded message -----

From: EISELE Michael * DEQ <Michael.EISELE@deq.oregon.gov>
Date: Mon, Jun 30, 2025 at 1:37 PM
Subject: RE: Coffin Butte Title V Air Quality Permit
To: N Whitcombe <nwhitcombe@gmail.com>

In their permit application they requested to be permitted at a rate of 1,500,000 tons/yr.

Mike

From: N Whitcombe <nwhitcombe@gmail.com>
Sent: Monday, June 30, 2025 1:10 PM
To: EISELE Michael * DEQ <Michael.EISELE@deq.oregon.gov>
Subject: Re: Coffin Butte Title V Air Quality Permit

Have they made any future projections of waste acceptance rates for 2026 onward?

On Mon, Jun 30, 2025 at 12:44 PM EISELE Michael * DEQ <Michael.EISELE@deq.oregon.gov> wrote:

Yes. Hopefully the attached waste in place report is not too big for your system.

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COFFIN BUTTE LANDFILL & PACIFIC REGION COMPOST

Annual Report
2021



SUMMARY OF LANDFILL USERS BY COUNTY OF ORIGIN

Coffin Butte Landfill Vehicles by Class and Tons Disposed - Total for Year 2021					
	Commercial Vehicles Intercompany Franchised & Third Party Franchised		Private Vehicles	Total Vehicles	Total Tons
	MSW	C&D	(Includes Special Waste, Asbestos, & Public)		
County	Tons	Tons	Tons		
Benton	42,452.83	12,900.97	59,398.96	41,843	114,752.76
Linn	76,778.56	5,425.95	60,576.27	35,053	142,780.78
Polk	42,377.41	2,399.56	28,032.97	20,107	72,809.94
Marion	171,226.30	1,418.02	153,079.05	17,478	325,723.37
Lane	5,037.03	100.83	32,866.18	1,903	38,004.04
Tillamook	30,061.68	0.57	8,897.47	1,662	38,959.72
Yamhill	49,328.85	1,570.74	1,225.23	2,304	52,124.82
Lincoln	50,310.49	499.92	63,775.99	4,396	114,586.40
Coos	5.85	2.58	495.46	41	503.89
Pierce, WA	0.76	1.12	0.00	3	1.88
Washington	35,315.78	219.51	570.56	1,466	36,105.85
Jackson	0.00	0.00	6.19	7	6.19
Multnomah	0.08	0.00	20.21	7	20.29
Douglas	4,264.52	0.83	106.21	170	4,371.56
Clackamas	13,173.34	5.31	2,294.90	707	15,473.55
Columbia	6,015.42	1.62	0.00	212	6,017.04
Clatsop	0.21	0.00	560.32	41	560.53
Klamath	1.78	0.00	5.55	6	7.33
Deschutes	1.11	0.00	39.76	7	40.87
Baker	24.23	9.59	4.07	120	37.89
Josephine	0.00	0.00	94.06	17	94.06
Misc. County	2.02	2.13	11.85	18	16.00
M-Clackamas	0.20	0.00	4,903.62	290	4,903.82
M-Multnomah	0.00	0.00	597.40	34	597.40
M-Washington	76,526.58	0.00	1,040.40	3,468	77,566.98
Totals	602,905.03	24,559.25	418,602.68	131,360	1,046,066.96