Re: LU-24-027, Republic Service's application to expand Coffin Butte Landfill

Recommendation: Please deny this application

Chair Fowler, Vice Chair Hamann, members of the Planning Commission -

I wish to rebut some of the comments made by Brent Pawlowski in his July 9 written testimony (see "07092025_PAWLOWSKI_Brent" in the "New Evidence from July 8-9 Hearings" folder on Munidocs). My rebuttals aim to demonstrate that these arguments of Mr. Pawlowski's in support of expansion are inaccurate and therefore his testimony should not be credited with any weight in your decision-making.

Rebuttal 1:

Mr. Pawlowski states, "Republic Services has not had an environmental compliance violation."

Please see attached pdf of letter from DEQ to Valley Landfills (aka Republic Services) dated July 10, 2024 with the following wording highlighted:

"The Department has concluded that Valley Landfill is responsible for the following violations of Oregon environmental law:

(1) Failing to conduct performance tests on gas control devices, Flare 1 and Flare 2, according to OAR 240-239-0110(2)(f)(B). **This is a Class I violation** according to OAR 340-012-0054(1)(qq).

Class I violations are the most serious violations"

Rebuttal 2:

Mr. Pawlowski states, "The contentious methane "exceedances" are not violations."

- Putting the word exceedances in quotes does not diminish their seriousness.
- The exceedances are not "contentious" -- they are numerous, and well documented in the two EPA inspections of the landfill in 2022 and 2024 (about which you've heard many times).

- Lastly, the fact that the exceedances have not been classified as violations <u>yet</u> does not preclude the very real possibility that they <u>may still be</u>. EPA Enforcement still has an "active enforcement" situation going on to this regard. This is verified in two more attached pdfs:
 - <> transcript of conversation between Sen. Jeff Merkley and Michael Regan, EPA Administrator, at Senate Appropriations hearing 5-1-2024 (key passages highlighted, such as "it's an active case, and we are laser-focused on this case." [Regan])
 - <> 3-24-25 email from Sara Conley (EPA Air Enforcement Officer) to Bailey Payne, Benton County solid waste program coordinator, confirming Regan's statement as "accurate"

The fact that EPA has an "active enforcement situation" which cannot be discussed "without betraying confidence or legal obligations" -- and that Republic Services continues to gloss over and minimize this situation -- should in and of itself be grounds for denying this application.

Rebuttal 3:

Mr. Pawlowski states, "A website claimed to be "Coffin Butte Facts" has falsely stated that Republic Services is currently "violating environmental laws."

For the record, www.CoffinButteFacts.org is the website of the community group "Valley Neighbors for Environmental Quality and Safety" or "VNEQS" (pronounced 'vee-necks') - this is the group represented by legal counsel Jeffrey Kleinman.

For the record, our website's homepage actually opens with the statement: "The Coffin Butte Landfill is *not safe*. This dump is already polluting air and water and violating environmental laws. **Making it larger will only make all this worse.**" I have attached screen grabs from our Get Up to Speed page, which goes into greater detail to support these claims. (Apologies for bits of overlap and slight cutoff in a few places; did my best to get screen grabs that would fit on an 8.5 x 11 page!)

As to Republic Services violating environmental laws...

A search using the website Violation Tracker -- created by the nonprofit GoodJobsFirst.org to document corporate misconduct across the country [https://violationtracker.goodjobsfirst.org/] -- reveals that Republic Services has incurred penalties of over \$161 million for environment-related offenses since 2000. (For comparison, Waste Management Inc., a much larger company, paid less than \$50 million for environment-related offenses during the same period.) See attached screen captures of search results for both companies.

So: our website is not making false statements. There's a reason we call it "Coffin Butte Facts"

Rebuttal 4:

Finally, Mr. Pawlowski states, "Opponents to the landfill have purposely passed out misinformation" then goes on to *incorrectly* describe a postcard mailer we sent. (I have attached a copy of the postcard itself, for reference. The postcard is the final attached graphic.)

- It was <u>not</u> sent by Beyond Toxics, it was sent by VNEQS, funded by a grant from CHEJ (Center for Health, Environment & Justice) and the support of Beyond Toxics. And for some inexplicable reason Mr. Pawlowski adds Corvallis Environmental Center as one of the sponsor groups... there was *no involvement by them whatsoever*. He pulled that out of thin air.
- If you read the postcard, we do <u>not</u> say dumped "directly." We *do* use the word "dumped", to get people's attention... but that is qualified in the photo caption which states that "Approximately 20 of these tankers per day currently leave the landfill full of leachate that eventually ends up in the Willamette River." *The whole point is that millions of gallons of toxic leachate do indeed go into the river.* That is undisputed. *And not misinformation*.

Once again: I thank you profusely for the monumental amount of thoughtful care and attention you are all putting into this evaluation. I have confidence that you will weigh the evidence and conclude, without a doubt, that Republic Services' burden of proof is not met and therefore their application to expand must be denied.

Respectfully submitted, Debbie Palmer 37340 Moss Rock Dr Corvallis, OR 97330



Department of Environmental Quality

Western Region Salem Office 4026 Fairview Industrial Dr SE Salem, OR 97302 (503) 378-8240 FAX (503) 373-7944 TTY 711

July 10, 2024

Ian MacNab Valley Landfills, Inc. Coffin Butted Road Corvallis, OR 97330

Sent via email only (imacnab@republicservices.com)

RE: Pre-Enforcement Notice

Valley Landfill 2024-WLOTC-9427 02-9502-TV-01 Benton County

Dear Ian MacNab:

Valley Landfills, Inc. operates a gas collection and control system at the Coffin Butte landfill that includes shrouded flares.

On October 4, 2021, Division 239 was added to Chapter 340 of the Oregon Administrative Rules. Division 239 includes new requirements to reduce methane emissions from Oregon landfills. OAR 340-239-0110(2)(f)(B) requires that emissions from existing gas control devices, including flares, be tested within 180 days of the date that the Division 239 requirement became applicable to you, which was when the methane generation report was due on October 1, 2022. Therefore, testing of your shrouded flares should have been completed by March 30, 2023.

The design of your current shrouded flare does not easily lend itself to be tested, and testing of the current flare was not completed or attempted. In order to meet the testing requirement described above, the shrouded flare should have been fully enclosed to allow testing or replaced with a new enclosed flare.

In early 2023 during multiple phone calls, DEQ informed you that you would need to install a new enclosed flare. You submitted a Notice of Approval (NOA) and a minor permit modification application to DEQ for the new enclosed flare on August 1, 2023. After some back and forth, DEQ approved the NOA on November 9, 2023. This new flare will be able to accommodate testing but has yet to be installed and operated. Upon startup of the enclosed flare, the existing shrouded flares will be removed.

The Department has concluded that Valley Landfill is responsible for the following violations of Oregon environmental law:

VIOLATIONS:

(1) Failing to conduct performance tests on gas control devices, Flare 1 and Flare 2, according to OAR 240-239-0110(2)(f)(B). This is a Class I violation according to OAR 340-012-0054(1)(qq).

Class I violations are the most serious violations; Class III violations are the least serious.

In order to correct the violation or minimize the impacts of the violation cited above, DEQ requests that you take the following corrective actions:

Corrective Actions Requested

- 1) Install and operate the enclosed flare that you have construction and operating approval for by 7/31/2024 and test this flare by 10/31/2024; or
- 2) Enclose the existing flares in such a way that they can be tested and test them by 10/31/2024.

Your timely and responsive action on these items will be taken into consideration in any civil penalty assessment issued by the Department.

If you believe any of the facts in this Warning Letter are in error, you may provide written information to me at the address shown at the top of the letter. The Department will consider new information you submit and take appropriate action.

The Department endeavors to assist you in your compliance efforts. Should you have any questions about the content of this letter, feel free to contact me in writing or by phone at 503-378-5070.

Sincerely,

Michael Eisele

Michael Eisele, PE Environmental Engineer 3 DEQ Western Region, Salem



Sen. Jeff Merkley to Michael Regan, EPA Administrator May 1, 2024

https://www.appropriations.senate.gov/hearings/a-review-of-the-presidents-fiscal-year-2025-budget-request-for-the-environmental-protection-agency

1:52:32

JM: [In my] home state: Coffin Butte Landfill. In June of 2022 the EPA sent out a team to measure the methane coming out of it, because of local concerns. The inspection resulted in recording 61 leaks, including three measurements that maxed out the instrumentation that was being used, at 70,000 parts per million. So: can you give me a short version of what action the EPA is taking? This is now 23 months ago that the field inspection occurred. If we need a longer discussion, I'd like to follow up with you to make sure that there is going to be action regarding landfills like this that are out of compliance.

1:53:10

MR: Well, I will say that our enforcement arm has been very aggressive at looking at these methane leaks and opportunities here. This is one that as you said was discovered in 2022. Unfortunately it is an active enforcement situation, so I can't speak to that without betraying the confidence or the legal obligations that I have. But I can tell you that we are coordinating with the State of Oregon – it's an active case, and we are laser-focused on this case.

1:53:43

JM: Great, because if you have a landfill which maxes out the instrumentation – which is I think quite rare? – it should probably rise to the top of the list of places to act on. I'll convey to the folks in Corvallis and nearby that you are on the case.

From: Conley, Sara
To: PAYNE Bailey

Subject: RE: Coffin Butte Landfill

Date: Monday, March 24, 2025 8:51:57 AM

Attachments: <u>image001.png</u>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Bailey,

Sorry for the delay. Unfortunately I cannot provide any update other than to say that the information you have from former Administrator Regan is accurate. Landfills were part of a National Enforcement and Compliance Initiative (NECI). These NECIs dictate, to some degree, how EPA uses it's enforcement resources. Since these initiatives are national, the focus on Landfills was large in scope and the since it was a focus of compliance efforts there were many landfill inspections nationwide. Sorry for the limited answer. There is no timeline for decision. I did conduct an inspection in June of 2024, report issued late August 2024. Let me know if you have not seen that report.

Sara Conley

Air Enforcement Officer

Air and Toxics Enforcement Section

Enforcement and Compliance Assurance Division

U.S. EPA Region 10

Conley.Sara@epa.gov

206-553-6914

From: PAYNE Bailey <bailey.payne@bentoncountyor.gov>

Sent: Thursday, March 13, 2025 9:40 AM **To:** Conley, Sara < Conley. Sara@epa.gov>

Subject: Coffin Butte Landfill

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Sara,

My name is Bailey and I am the solid waste program coordinator for Benton County (Oregon). I'm the staff lead of the Benton County Disposal Site Advisory Committee and methane and odor emissions are a focus area for the group. The Coffin Butte Landfill has

applied for an expansion and I think that it would be helpful to know the status of any investigation happening with Coffin Butte's emissions.

In August I saw <u>an article</u> in the Statesman Journal where the former Director Regan said, "But I can tell you that we are coordinating with the state of Oregon. It's an active case and we are laser-focused on this case." I'd appreciate any updates that you can provide about this issue. For example, is there a timeline for a decision? Is Coffin Butte an outlier or are landfills above a certain size all being investigated? Are there any enforcement actions planned?

Thanks for any clarification that you can provide.
-Bailey



Bailey Payne Solid Waste Program Coordinator (541) 224-1339 Bailey.Payne@BentonCountyOR.gov





Republic Services wants to try to expand the landfill. Again.

This is NOT A LOCAL ISSUE, and *NOT something the public gets to vote on*— it is NOT decided in an election.

The landfill is NOT OWNED, OPERATED OR CONTROLLED by Benton County.

This dump will be an Environmental LIABILITY for generations to come:

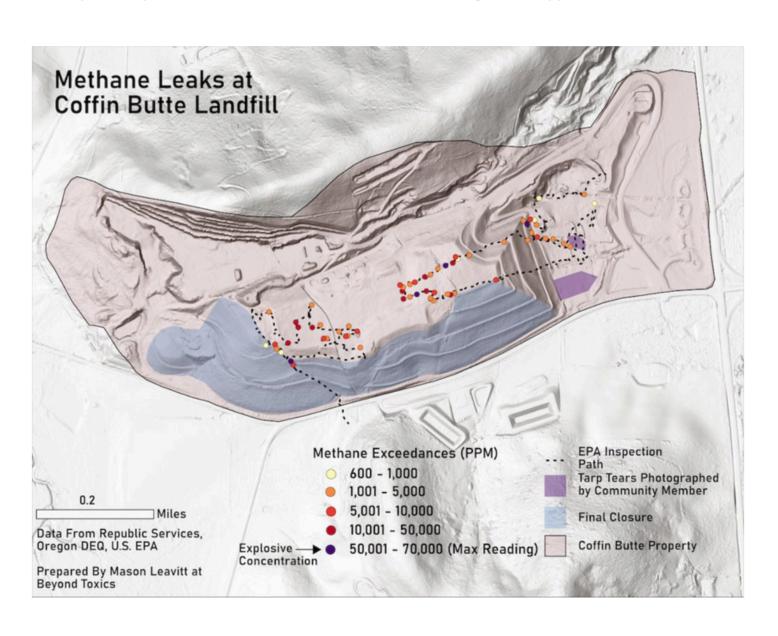
It already impacts regional air quality and global climate change with massive leaks of **methane** and other toxic gases, and pollutes groundwater and surface water in the Willamette Valley with toxic **leachate**— the "garbage juice" created when rainwater percolates through everything ever buried there since the '40s including heavy metals, carcinogenic industrial solvents and PFAS "forever chemicals."

In 2022 the EPA documented a massive number of **methane** leak violations with some measured methane levels higher than their equipment could register – "explosive levels" in some cases. A subsequent inspection in 2024 revealed *more* leaks... *including an uncapped wellhead*.

toxic **leachate**— the "garbage juice" created when rainwater percolates through everything ever buried there since the '40s including heavy metals, carcinogenic industrial solvents and PFAS

"forever chemicals."

In 2022 the EPA documented a massive number of **methane** leak violations with some measured methane levels higher than their equipment could register – "explosive levels" in some cases. A subsequent inspection in 2024 revealed *more* leaks... *including an uncapped wellhead*.



The Elephant in the Room

ANNUAL CLIMATE DAMAGE

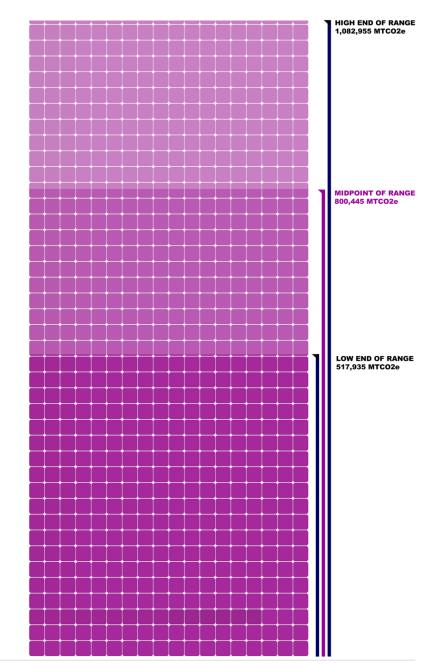
in metric tons of carbon dioxide equivalent

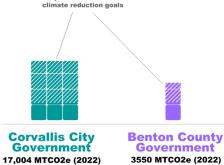
2023

1 block = 1500 MTCO2e

methane = GWP20 of 86

landfill emissions estimated from Carbon Mapper data





Coffin Butte Landfill

800,445 MTCO2e, with confidence interval between 517,935 and 1,082,955 MTCO2e (2023)

All figures are approximations from most recent data available. Methane MTCO2e uses GWP20 = 86

Striped areas:

Data sources: greenhouse gas inventories self-published by City of Corvallis (2022), Benton County (2022); striped areas show climate action reduction goals. Carbon Mapper data from aerial surveys (2023). Carbon Mapper super-emissions from four point sources derived from six remote sensing surveys of 16 methane plumes over a ten-day period in June 2023. Methane quantification by Carbon Mapper: 1.7 metric tons of methane per hour, plus or minus 0.6 metric tons

For simplicity, scenario assigns equal share in output to each point source and varying durations to each: Point Source 1 = 3 months, PS2 = 6 months, PS3 = 9 months, PS4 = 12 months

(caption: When it comes to reducing its climate damage footprint, Benton County should be looking at the Coffin Butte Landfill - the largest methane emitter by several orders of magnitude.)

30 to 35 million gallons of **leachate** per year (in 2024 *it was 40 million gallons*) are trucked to Corvallis and Salem wastewater treatment plants where "treatment" primarily consists of dilution. Diluted leachate is dumped into the Willamette River.

Fractured basalt, not clay, underlies the dump. Water moves unpredictably through fractured basalt. Parts of the dump are unlined, and the areas that are lined may already be leaking (and will eventually leak), so there's no assurance what direction escaped leachate will travel and whose drinking water and agricultural wells will be affected.



(caption: Leachate tanker truck filling up at Coffin Butte Landfill. With an estimated capacity of 5500 gallons, these tankers make approximately 20 trips per day to Corvallis and Salem.)

It will also be a long-term Financial LIABILITY.

Republic Services created a subsidiary — Valley Landfills, Inc (VLI) — to shield the parent company from liability. One environmental disaster and VLI will likely file for bankruptcy, leaving County taxpayers with the liability legacy. That could be a REALLY big liability: by Republic's own estimates, the liability for its Bridgeton Landfill in Missouri (closed in 2004, the one with an underground fire that's been burning since 2010) is *at least* \$140 million dollars. By comparison, Coffin Butte, which is larger than Bridgeton, has an "Environmental Trust Fund" of only around \$15 million.

Federal "closure" and "post-closure" rules require landfill operators to provide a mere 30 years of financial assurance to cover ongoing maintenance costs after closure. Two unlined cells of this dump — closed and capped in the '70s — are *still* generating over 2 million gallons of leachate per year... *fifty years later*.

To make matters worse, these rules allow the operator to estimate the cost of that 30 years of maintenance... meaning they get to make up these "cost" numbers themselves and no one looks at them critically to ensure they are realistic.

So, although Benton County does receive some small compensation for hosting the landfill (via franchise fees), the vast majority of the landfill's profit goes to an Arizona-based corporation, while Benton County will have to deal with the environmental burden in perpetuity.

Long Term Liability

Protections for Residents:

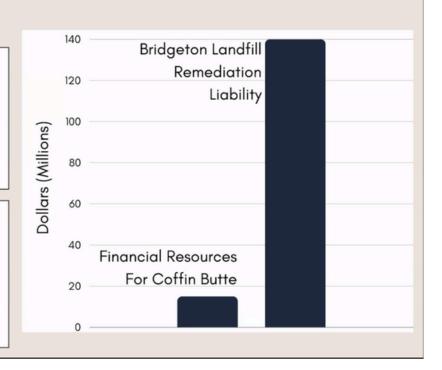
State/ Federal: "Closure" and "post-closure" requirements Lasting Only 30 years

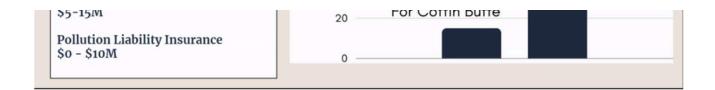
Local: Franchise agreement Benton County

Financial Resources For Residents:

Environmental Trust Fund \$5-15M

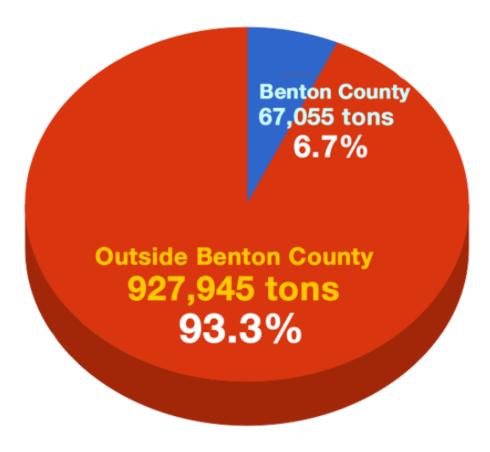
Pollution Liability Insurance \$0 - \$10M





Fully one-third of all the garbage in Western Oregon comes to this dump. Less than 7% comes from Benton County; and some garbage comes from out of state. Haul trucks start lining up as early as 4:30 am and arrive all day, at the average rate of a new truck every ninety seconds, from as far away as Washington State. If Benton County recycled 100% of its waste, this would not slow the flow of trash to Coffin Butte.

Coffin Butte Landfill: Where does the waste come from?



Sources: 2021 Oregon Material Recovery and Waste Generation Rates Report, Oregon DEQ; Coffin Butte Landfill Annual Report 2021 Un-planned, accidental, **terrible location for a landfill**. Wet garbage generates LOTS of leachate and methane so if you *must* have a landfill, it should be situated in a *dry climate, away from people, and ideally on a thick clay bed* (to prevent leachate leakage into groundwater). This landfill is none of these things. Originally the burn dump for Camp Adair during WWII (nicknamed "Swamp Adair"), it has somehow been allowed to exist despite consistent opposition. We've written a more detailed explanation of why Coffin Butte is a **terrible location for a landfill**.

"Dump days" (when the stink is so bad it drives people indoors) are a regular occurrence. In addition to the sulfides which cause the smelly air, landfills produce some 30 different hazardous air pollutants including particulate matter, heavy metals and Volatile Organic Compounds (VOCs). Landfills are notorious for compromising the health of their surrounding communities; this landfill is no exception



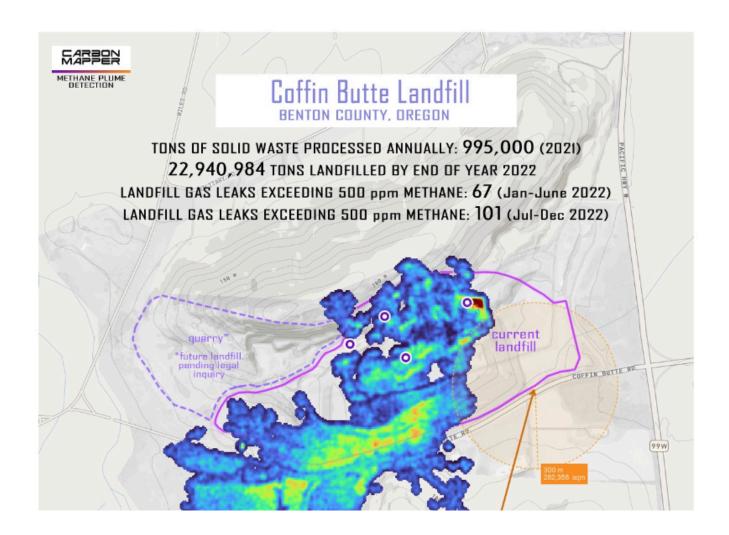
"Many times each year, particularly in the winter months, we are affected at our house and while attending school in Adair Village by an oppressive stench, one that affects our daily living and activities. It causes headaches, eye irritation, and throat burning - which limits our outdoor activities. I'm concerned for the safety of the children at school."

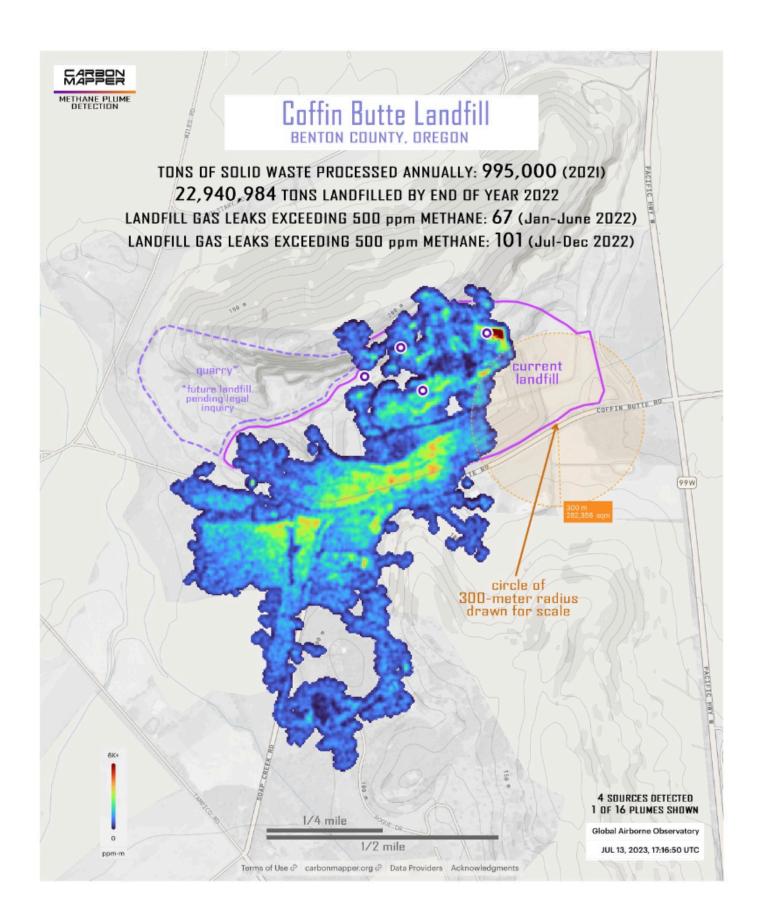
Republic Services is a **bad actor** in our opinion.

Their word is not to be trusted. They market themselves as "Devoted to Our Community" with a "Commitment to Sustainable Practices" and "Safety is a priority throughout our operation"... yet the facts are they have incurred over \$160 million in fines for environmental-related offenses. Compare that to \$49 million in fines for environmental-related offenses for Waste Management Inc – a significantly larger company in the garbage business.

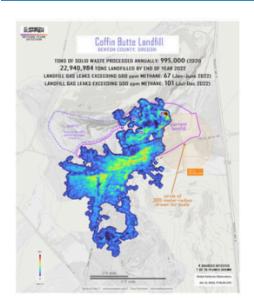
The entire Coffin Butte Landfill is a super-emitter of greenhouse gases, yet Republic Services has been unwilling to take the actions necessary to eliminate these emissions.

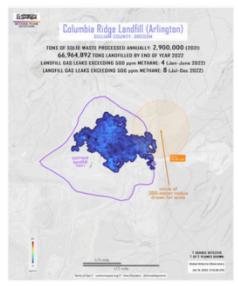
They externalize costs on the environment and the surrounding community and ignore employment and safety offenses.

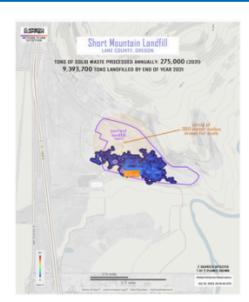




METHANE PLUME MAPS







Plume imaging is from Carbon-Mapper.org. Date and time of imaging are included on each plume image. To show them at the same scale, each plume image includes a circle 300m in radius, drawn using a tool on the Carbon-Mapper site.

Figures for "tons of solid waste processed annually" come from each landfill's annual report. The annual report for Coffin Butte Landfill lists total volume emplaced, not tons of solid waste, so the figure for Coffin Butte Landfill has been corrected to remove daily cover (the dirt used to cover freshly dumped garbage at the end of each day), which is not solid waste. The annual volume of daily cover was obtained from Oregon Department of Environmental Quality data, and this volume was subtracted from total annual volume to arrive at the figure shown for Coffin Butte Landfill.

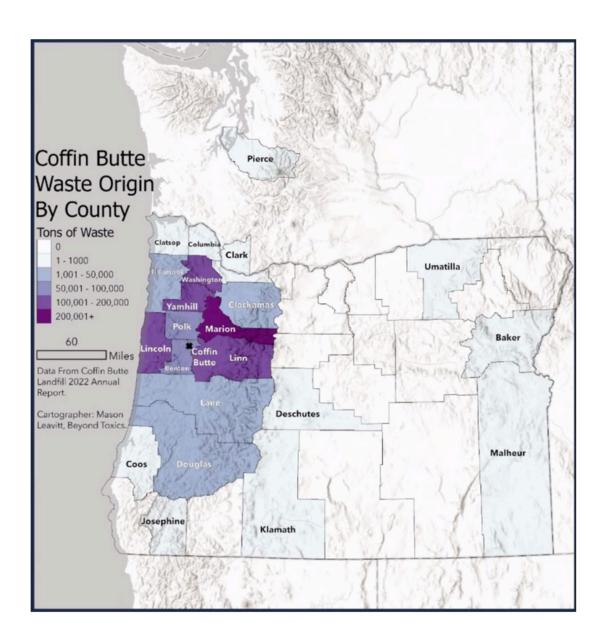
The figures for methane leak detection are taken from the air quality annual reports for Columbia Ridge Landfill and Coffin Butte Landfill. This data hasn't yet been obtained for Short Mountain Landfill.

Graphics last updated 4-29-24.

County residents have been told there's nothing to worry about with this dump because there are regulators (Oregon DEQ, EPA, Oregon OSHA) that are responsible for ensuring compliance with the laws. The fact is that there is *virtually no enforcement* of environmental and worker safety regulations by these state and federal agencies.

And there is **NO oversight or enforcement** by Benton County *of its own land use requirements* so it doesn't matter how stringent "conditions of approval" are in a Conditional Use Permit. Republic Services can (and does) ignore them because there are effectively no consequences for not complying. THIS HAS GOT TO CHANGE.

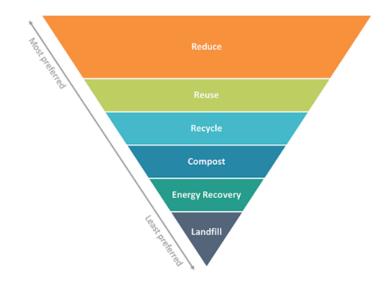
Long ago Benton County gave up any role in controlling dump traffic impacts, limiting which Counties can use our dump, and preventing trash from accumulating along our highways. We have literally become the dumping ground for all of Western Oregon.



If ANY expansion is approved, per a clause in the 2020 Landfill Franchise Agreement the annual intake cap (a limit of 1.1 million tons/yr) will go away and Republic Services will be able to bring in as much garbage as it wants as fast as it can... the landfill will fill up even quicker and then they'll want to expand again.

BE FOREWARNED: Republic Services is going to cry "rate increase!" if they don't get an expansion – but their urgency for space is a self-made crisis caused by their ramped up efforts to bring more and more garbage to this facility. The annual amount of waste disposed has doubled since 2017 and is now bumping up against the intake "cap" of 1.1 million tons/year. Republic Services is required by franchise agreement to take Benton County's waste through 2040, and any rate increases would have to be approved by the County. They cannot unilaterally raise rates.

In summary: landfills are the worst disposal option. Help us prevent the expansion of this one, with the goal of bringing it to a close when its currently-permitted space is filled. Better alternatives already exist in other countries; let's work towards shifting mindsets away from landfilling in this one. In the meantime – there are other, better managed landfills in far better locations in Oregon... so this dump needn't expand ever again.





Working to prevent any expansion of the Coffin Butte Landfill in Benton County, Oregon NAVIGATION

RESOURCES

About

Helpful Links

Get Up To Speed

Request a Yard Sign

Get Involved

Petition

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Glossary

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Expansion History

Violation Tracker Current Parent Company Summary

Current Parent Company Name: Republic Services

Ownership Structure: publicly traded (ticker symbol RSG)

Headquartered in: Arizona

Major Industry: waste management and environmental services

Specific Industry: waste management Penalty total since 2000: \$177,241,441

Number of records: 283

TOP 5 OFFENSE GROUPS (GROUPS DEFINED)	PENALTY TOTAL	NUMBER OF RECORDS
environment-related offenses	\$161,522,584	166
employment-related offenses	\$12,813,803	48
miscellaneous offenses	\$1,625,000	2
safety-related offenses	\$786,808	64
competition-related offenses	\$250,000	1

TOP 5 PRIMARY OFFENSE TYPES	PENALTY TOTAL	NUMBER OF RECORDS
environmental violation	\$114,414,837	84
water pollution violation	\$37,050,000	2
air pollution violation	\$6,675,723	29
employment discrimination	\$3,769,000	3
work visa violations	\$3,000,000	1

Violation Tracker Current Parent Company Summary

Current Parent Company Name: Waste Management Inc.

Ownership Structure: publicly traded (ticker symbol WM)

Headquartered in: Texas

Major Industry: waste management and environmental services

Specific Industry: waste management Penalty total since 2000: \$950,185,253

Number of records: 435

TOP 5 OFFENSE GROUPS (GROUPS DEFINED)	PENALTY TOTAL	NUMBER OF RECORDS
financial offenses	\$457,000,000	1
consumer-protection-related offenses	\$296,020,299	3
competition-related offenses	\$81,650,000	5
environment-related offenses	\$49,460,558	217
employment-related offenses	\$35,308,792	86

TOP 5 PRIMARY OFFENSE TYPES	PENALTY TOTAL	NUMBER OF RECORDS
investor protection violation	\$457,000,000	1
consumer protection violation	\$296,020,299	3
Foreign Corrupt Practices Act	\$80,700,000	2
False Claims Act and related	\$29,150,000	2
wage and hour violation	\$27,125,054	29

Dear neighbors,

Republic Services wants to expand the Coffin Butte Landfill, in north Benton County. IF it expands, these issues - which impact us all - will only get worse:

People's HEALTH may already be at risk

High volumes of methane and other harmful gases leak out. What's all in the odor you smell?

Millions of gallons of toxic leachate per year are dumped in the Willamette River – agricultural and drinking water supply for several downstream cities, as well as recreational destination for many (swimming, kayaking, fishing).

Approximately 20 of these tankers **per day** currently leave the landfill full of leachate that eventually ends up in the Willamette River

CLIMATE and ENVIRONMENT are also impacted

This landfill is a greenhouse gas super-emitter. Dust, noxious gases and toxic leachate affect more than humans.

QUALITY OF LIFE and COMMUNITY will

decline The bigger this dump gets, the more roadside litter, road damage and truck traffic there will be.

IF REPUBLIC SERVICES IS NOT STOPPED, COFFIN BUTTE WILL BE A FOREVER-EXPANDING LANDFILL.

Learn more here: www.CoffinButteFacts.org