From:	Mark Yeager
To:	Benton Public Comment
Cc:	Mark Yeager
Subject:	Response to New Evidence LU-24-027 - LITTER
Date:	Wednesday, July 16, 2025 1:56:50 PM
Attachments:	Litter Testimony Response to New Evidence Yeager.pdf

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Dear Chair Fowler, Vice Chair Hamann, and Planning Commissioners Biscoe, Cash, Fulford, Lee, Struthers, and Wilson:

Thank you for your continuing attention to the complex issues surrounding this application.

The attached document has been prepared in response to new evidence regarding litter impacts and proposed mitigation efforts submitted by Benton County staff and Republic Services at the July 8th hearing.

Sincerely,

Mark Yeager

Mark Yeager
37269 Helm Drive
Corvallis, OR 97330
July 15, 2025

Chair Fowler, Members of the Planning Commission:

This letter is submitted as a response to the written materials (LU-24-027) presented to the Commission on July 8, 2025, by Republic Services titled "Response to Staff Report and Public Comment" and the written materials submitted by Benton County and their consultants titled "Staff Report Presentation" also dated July 8, 2025.

In addressing LITTER IMPACTS, Republic Services in their materials (page 11) make it clear that they will employ NO NEW MEASURES to control litter. In fact, they state in their July 8th presentation that they will "Maintain at least the same level of litter control measures as part of the expansion process." As shown in the photo below, from Coffin Butte, their existing measures do not actually capture any litter when employed. This method of fencing, whether bull fencing or defender fencing, cannot and does not capture the trash that is picked up by swirling wind that takes it high into the air and deposits it on adjacent and nearby properties.

You have received testimony from the Bradley family:
(https://library.municode.com/or/benton_county/munidocs/munidocs?nodeId=8286bb1eb8929)

and the Krueger/Wilson family:

https://library.municode.com/or/benton_county/munidocs/munidocs?nodeId=8287999ea5bc8

as well as photographic evidence in the record that shows how the trash that rains down on their properties affects their agricultural and therapy operations.

Republic Services proposed "mitigation efforts" are nothing more than window dressing on an issue that they have not previously controlled and cannot control on the expansion parcel. No amount of fencing will capture that litter, particularly given its placement relative to the working face (as shown in the photo above).

A physical aerial net over the entire operation might be the only means capable of capturing the litter that floats hundreds of feet into the air before coming down on adjacent properties. That, of course, is not feasible and Republic is not proposing, nor is the County requiring anything of that nature.

From Republic's proposed mitigation efforts presentation (page 11) on July 8th:

"Expand litter collection activities to include Tampico and Soap Creek Roads."

Republic's proposal to pick up litter along Tampico and Soap Creek Roads will not mitigate the litter that ends up on private properties and seriously interferes with agricultural and residential uses.

BENTON COUNTY PROPOSED CONDITIONS OF APPROVAL – LITTER

The staff's proposed conditions of approval will necessarily be ineffective because they do not control the atmospheric conditions that lift the feather-light trash from the working face and haul roads high into the air and deposit them onto adjacent and nearby properties. From County staff presentation (underlined), page 22:

Litter impacts vs. uses on adjacent properties and character of the area

Can be mitigated through COAs.

OP-5 *limits the final elevation to 450 feet,* ***OP-11(A-F)*** *site operation including daily cover, and* ***OP-15(A)*** *requires litter control measures such as fencing, a collection program, monitoring and reporting*

Analysis and comments:

Limiting the top of the dump to 450 feet will have no effect on the prevalence or distribution of windblown trash. There is no evidence or analysis in the record that reducing the height of the new dump will have any effect on litter ending up on adjacent or nearby properties and seriously interfering with the use of their properties.

Regarding the required daily cover condition of approval (OP-11B), the applicant already supposedly applies daily cover to the working face of the existing dump, and that has not proven effective at controlling airborne litter. The litter that makes its way to adjacent and nearby properties is generated during the active hours of operation when there is no cover on the working face.

Condition of approval OP-11A to limit the size of the working face has so many loopholes you could drive a trash truck through it. Republic has already testified that they will frequently have more than one working face during transitions and cell development (so the total working face will likely be far greater than two acres) and the exceptions in the condition are completely vague and unenforceable.

The additional sub-conditions in OP-11 are similarly vague, unenforceable, or completely unrelated to litter control (e.g., Applicant shall not develop a use, construct any structures, or make any site improvements that are not contained in the approved site plan (11E); Applicant shall keep all landfill infrastructure in good repair, and shall repair as promptly as possible any disabled, damaged, or nonworking infrastructure (11D); Applicant shall not accept regulated hazardous waste as defined in 40 CFR 258.20(b) at the site(11F).) What does hazardous waste have to do with litter?

Condition of approval OP-15 regarding implementing and maintain existing litter control measures has no value at all because their existing litter control measures are not working and the evidence in the record has proven that case.

As far as litter affecting the character of the area, the pictures of the trash in the vicinity of the existing dump and along the main haul routes to and from the facility demonstrate serious interference with the character of the area.

The images below demonstrate serious interference with the character of the area and represent a sampling of the impacts of hosting an expanded landfill on the character of the area.

Soap Creek Valley looking south – character of the area:

Roadside litter

Roadside litter

Roadside litter

Thank you for your time and attention. Please deny LU-24-027.

Sincerely,

Mark Yeager