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Subject: BCTT Draft 3 and the Planning Commission Meeting Tonight
Date: Tuesday, January 31, 2023 12:30:41 PM
Attachments: [image001.png](#)
[History Doc 1-31-23 at 11AM.docx](#)
Importance: High

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CUP, History, and Capacity Members:

Understandably, I did not get sufficient responses to schedule a meeting before I leave around 1:00 for Corvallis. I can be reached on my below cell with the exception of 3 to 5 when I'm meeting with staff to chart the plan for the next draft. I will then be available between 5:15 and 6:45, as the PC meeting starts at 7PM

I appreciate there are several concerns in the air, and I have spoken to some of you about your desire to send additional information to the Planning Commission before this evening.

The concerns fall into two buckets at the macro level:

1. Process, and
2. Substance.

Both are important and here are excerpts from recent emails I sent for context.

1. I want the key disputes within the charge to be identified clearly and presented in a balanced way so the readers can decide for themselves, especially if there is no consensus.
2. Yes, there have been numerous constraints to a "Perfect World" process. That was why the Draft 3 cover page contains numerous caveats, some of which also appear thematically in the body of the report.
3. Were they enough to shine a bright light on the areas in dispute, No. Was that intentional, no. Do we need to fix the challenges the best we can moving forward, yes.
4. I not surprised to learn there are differing views between the community, county, and Republic. All three are entitled to have their views heard. When the 2000/2020 franchise language dispute arose, I suggested it be teed-up and presented to the Legal Subcommittee for consideration. If that didn't resolve the issue, I would have recommended a joint subcommittee meeting like I have previously done.

Unfortunately, I do not think it is possible to supplement the record with the exception of the History piece discussed below. Here are some reasons in no particular order.

1. I spoke with the PC Chair yesterday and then received the following:

As discussed, I believe that the Planning Commission will devote 60-90 minutes to the Talks Trash draft. Broadly, we will focus tomorrow evening on understanding what is contained in the draft, the content most relevant to the Planning Commission, what are the remaining issues, and what happens next. You can expect lively questioning. I'll set the expectation that tomorrow night is our opportunity for understanding, context, and clarification. I expect that the feedback will follow on February 7.

I believe the Commission members will be generally familiar with the draft and will have spent some time scanning and reading. I can't predict the level of detail familiarity they will have; it's a long document.

We are asking that you present the draft. The areas of most interest include:

Where has common ground understanding been established with requested comments on:

- relatively recent history of operations and expansion
- economic context, how does money flow to the county, magnitude
- history of conditions of approval and compliance
- current capacity and projection

(As we discussed any number of the above topics will be incomplete or lacking in consensus. But that is exactly what the PC wishes to understand.)

Overview of key findings and recommendations with focus on

- legal issues and land use review
- sustainable materials management plan
- community outreach

(While some of the sections obviously connect to land use, please highlight within the key findings and recommendations those areas with land use implications.)

Remaining Issues

End game work plan

I expect that you will do most of the talking.

2. I will be transparent about the issues (both process and substantive, but any “debate” about them is premature.
3. There is no time to prepare a balanced statement, or counter statements to create balance, about the issues... that will happen in the normal process.
4. Concerns about the BCTT process are not within the PC’s jurisdiction, so they will be noted, but resolved by us. Any ongoing process concerns can be brought to the BOC.
5. Two staff members had yesterday off and Darren’s father passed.

One exception to the above is the attached History piece. I will bring copies of the attached and post it because it contains the current state of the document like I submitted previously and shows clearly who said/suggested what, including Mary’s comments from last night...
thanks, Mary.

Sorry and Thanks, Sam

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History Document as of 1/31/2023 – 11:00 AM

The Historical and Geographical Context of the Coffin Butte Landfill

The Coffin Butte landfill can be thought of as a relatively random product of diverse historical factors. The current Benton County operation evolved in response to a longstanding local need for a place to dispose of refuse, the development of the specific Coffin Butte site through a series of incremental decisions, and the search for lower cost refuse sites in western Oregon and Washington.

To explain this history, this essay has three parts: 1) a review of the geographical and historical context of the Coffin Butte location, 2) Benton County's history of landfill decision-making leading up to Coffin Butte becoming the preeminent site for the county and region, and 3) the social context surrounding specific events regarding ownership, operation, and permitting leading to the current facilities and practices found at Coffin Butte in 2023.

Section 1: The History and Geography of the Coffin Butte Area

Geography, Geology and Climate of the Coffin Butte Area

The Coffin Butte landfill site is located about 7 miles north of Corvallis on Highway 99W. The site is at the intersection of Highway 99 and Coffin Butte Road, immediately west of the E.E. Wilson State Wildlife Refuge. Coffin Butte is at the northern end of Soap Creek Valley, but Soap Creek and its valley continue north along the west side of Coffin Butte before entering the Willamette Valley. While the needs and concerns regarding waste disposal and associated issues affect the entire county, the area most impacted by Coffin Butte operations are the neighboring areas to the north and south along Highway 99W, Soap Creek Valley, the E.E. Wilson Wildlife Area, and agricultural areas to the east and north.

Coffin Butte itself is approximately 738 feet above sea level. The operating landfill is on the southeastern slope of Coffin Butte, north of Coffin Butte Road, but ancillary facilities such as administrative offices, leachate ponds and a power station fueled by methane from the landfill are located south of Coffin Butte Road. The south-southwest side of Coffin Butte has a rock quarry operated by Knife River. The rock quarry area is currently planned to be the next area of expansion for the landfill unless the permits are changed.

The landfill is located in a topographic divide between the two valleys. ~~Surface water drainage coming off the landfill actually flows into Soap Creek in both west and east directions, before Soap Creek joins the Luckiamute River and the Willamette mainstem.~~⁴ Groundwater flows both east and west from the area of Coffin Butte and Tampico Ridge, depending on the underlying geology.² Steve Taylor et al note that there is an unnamed tributary between Coffin Butte and Tampico Ridge and that "associated wetlands drain east-ward toward the E.E. Wilson National Wildlife Refuge."³ Rainfall in the area is approximately 42 inches a year, with the majority falling between November and May.⁴

The earthquake hazard of this area is significant, particularly because of the Cascade subduction zone. Kent Yu et al note that there have been over 40 great earthquakes of magnitude of over 8 and in 1700 one of magnitude 9. They calculate that, “The current calculated odds that a Cascadia earthquake will occur in the next 50 years range from 7-15 percent for a great earthquake affecting the entire Pacific Northwest ...”⁵ The Oregon Department of Environmental Quality-(DEQ) noted that the Coffin Butte landfill was one of three in Western Oregon that were designed to handle less than an 8.5 magnitude earthquake, well below the possible 9.0 predicted for the region.⁶ Nevertheless, Coffin Butte landfill is in compliance with all EPA regulations regarding construction of landfills to withstand seismic activity.

The History of the Coffin Butte Area

The archeology and history of the region is of great importance to many people involved in Coffin Butte decision-making. In his oral history of the Soap Creek Valley, Zybach notes how before Western contact, the Pacific Northwest was one of the more densely populated nonagricultural regions of the world. However, with the introduction of smallpox, malaria, measles, influenza, and other diseases from explorers and traders, over 96% of the local Kalapuyan people died within two generations, particularly from malaria in 1831-32.⁷

Tools from the Kalapuyan people have been found throughout the Soap Creek and Coffin Butte area.⁸ In 2022, the Oregon State Archeologist, John Pouley, recommended a professional archaeological survey of the proposed expansion area and consultation with all appropriate Native American tribes.⁹ One significant cultural practice of the Kalapuyans was the use of annual prescribed fires. Zybach notes this “broadcast burning” served a variety of purposes, including control of unwanted plants (such as Douglas Fir), the enhancement of favored plants (such as camas), easier hunting, and other benefits such as gathering grasshoppers.¹⁰ The Soap Creek Valley was settled early by white pioneers, probably aided by the native American clearing of land by burning.

The area had a colorful history in the 1800s and 1900s. For example, the town of Tampico, located to the south of Coffin Butte in Soap Creek Valley on the Applegate Trail, was briefly a thriving and boisterous place until purchased by the wealthy pioneer Greenberry Smith. A local driving guide notes that, “On January 23, 1860, the pious Smith purchased Tampico and burned the entire town to the ground including stores and homes as well as the saloons, brothels, and gambling dens.”¹¹

Letitia Carson is one of the most notable pioneers to settle in Soap Creek Valley. A freed African-American slave, Carson came to Oregon with David Carson in 1845. When David died in 1852 her neighbor Greenberry Smith (the same man who burned down Tampico) took advantage of her unclear legal status to sell off her property. Letitia soon moved to Douglas County, but successfully sued Greenberry for \$300 in lost wages and \$1400 for the loss of her cattle and legal costs.¹²

The biggest local change after white settlement occurred in 1941, when the U.S. Army chose to build a huge training base on the site of the town of Wells which was at the center of the present day E.E. Wilson Wildlife Area. Within one month, the town was vacated and houses and barns bulldozed to be replaced by barracks. The camp itself covered an area two miles wide and six miles long with 1800 buildings. The camp was the second largest city in Oregon at the time and housed roughly 40,000

troops. The area that eventually became E. E. Wilson was referred to as “Swamp Adair” due to the constant rain, mud and standing water. The Army built sewer and drainage systems which emptied wetlands and channelized streams.¹³

Following the war, the residential population slowly increased until the 1970s, at which time growth accelerated rapidly. By the 2020s, hundreds of people lived in the regions to the north and south of Coffin Butte and in Soap Creek Valley. Although there is extensive farming along the transit routes leading to Coffin Butte, most area adults commute to work; most homes are on lots less than 10 acres in size; and most families are not directly associated with large-scale farming or forestry practices. But the values generated by ‘living on the land’ are still strongly felt. Coffin Butte Road serves as the primary route for Soap Creek residents commuting north to Monmouth-Independence and Salem for work.

Today, the unusually cohesive Soap Creek community works together to restore and maintain the Soap Creek Schoolhouse, a symbol of the valley. Built in 1935 and in use until 1946, the structure was restored by the community and remains a meeting place for local activities and an annual fund-raising event.¹⁴

The Coffin Butte Area Today: Wildlife Habitat and Protection

Besides the vibrant community in Soap Creek Valley and the historical significance of Camp Adair, this area is noteworthy today as the home to the EE Wilson Wildlife Area, located just across Highway 99W from Coffin Butte Landfill.

E. E. Wilson Wildlife Area

The E.E. Wilson Wildlife Area came into existence in 1950 when the U.S. Government gave quitclaim title to the property to the Oregon Department of Fish and Wildlife. The site was originally built to serve as a US Army cantonment in 1940 and functioned as Camp Adair during the WWII era. The wildlife area covers approximately 1,788 acres of oak woodland, upland shrub and grassland habitats. The refuge management plan’s primary goal is to manage the area consistent with conservation and enhancement priorities for native wildlife and production of game species.¹⁵

The Coffin Butte Landfill and the EE Wilson Wildlife Area are located at the midpoint of a triangle of National Wildlife Refuges. This system of National Wildlife Refuges (refuges or NWRs), managed by the U.S. Fish and Wildlife Service (Service), was established in the mid-Willamette Valley during the 1960s when the Migratory Bird Commission approved establishment of three refuges: Ankeny, Baskett Slough, and William L. Finley.

The area containing Coffin Butte Landfill is part of a wildlife corridor and refuge system connecting the Basket Slough, Ankeny, Luckiamute and E. E. Wilson refuges to the William L. Finley refuge south of Corvallis on through to the Fern Ridge Wildlife area near Eugene. Soap Creek Valley, E.E. Wilson Refuge and entire area surrounding the landfill has been identified by Benton County as a high priority area for conservation actions to benefit key local species.¹⁶ Tampico Ridge, the next ridge immediately south of Coffin Butte, hosts a complex mix of habitats, particularly Oak Savannah, and is the site of an ongoing research project looking at plant succession being conducted by Western Oregon University faculty and students.¹⁷

Benton County Confronts Its Waste Issues: Up to 1983¹⁸

Waste disposal was simple in the early days of Benton County. What little waste there was could simply be deposited into rivers, ravines, or anywhere convenient. Dumping along roadsides was particularly favored. Over time, however, unsystematic dumping created health and sanitation problems, and eyesores. For example, on July 27, 1906, The *Corvallis Gazette* advised: "Another thing in connection to cleaning up, don't dump your trash, dead cats, dogs, and other rubbish onto the vacant lot just over the fence". By May 15, 1911, Corvallis residents could use a "garbage ground" available just a ferry ride across the river and in June 1921, the *Daily Gazette-Times* advised residents to burn their refuse rather than dispose of it in nearby streams. By May 7, 1937, the *Gazette-Times* was reporting on the city dump's location by Kiger Island, and reminding citizens they would be fined if they continue to simply dump their trash along roads.

By April 5, 1950, Benton County had established a free refuse facility at the Coffin Butte Site. By April 8, 1954, Robert and Daniel Bunn owned and operated Corvallis Disposal and the Coffin Butte facility, and the *Gazette Times* boasted of the clean efficient service. But roadside dumping remained a problem for decades even after commercial trash pickup was extended to nearly all parts of the county by 1964.¹⁹

The late 1960s brought changing attitudes towards traditional practices of burning and dumping. By 1967 burning was being phased out as Coffin Butte evolved to be a landfill operation involving covering and sealing refuse. Accordingly, the volume of waste became an increasing problem. The early 1970s brought pressure to re-locate Benton County's landfill and the exploration of several alternate approaches to disposal. As early as October 9, 1969, Corvallis Disposal began looking for an alternate landfill site and had begun negotiating with Oregon State University to use lands east of Corvallis for that purpose. In the March 19, 1971 *Gazette-Times*, County Sanitarian-Roger Hayden speculated that one day soon Benton County may be barging its wastes down river to a regional site where proper sorting and recycling could take place. Hayden suggested at the time that eventually local solid waste would have to be taken to the eastern side of the state since western Oregon had location, water, and soil condition difficulties.²⁰ Without a ready alternative, however, in November of 1971, the County Commissioners approved an extension of Corvallis Disposal to use the Coffin Butte area as a landfill until December 31, 1974. In preparation for change, Corvallis Disposal negotiated a 99-year lease option on the "Granger" site on the Independence Road near Highway 20 where they hoped to develop a landfill despite some concerns about the proximity of the Willamette River.²¹

The push for closing Coffin Butte was reinforced by the state Department of Environmental Quality (DEQ) which encouraged the development of proper regional landfill sites. At the time, there were 17 disposal sites in a five-county area that included Benton County. Only two met the new standards for landfills, as set by the Oregon Department of Environmental Quality. Coffin Butte was one of many sites recommended for "phasing-out" and closure." It is important to recognize that the current issue of Coffin Butte is not about closure, but about the manner of expansion. Still the science behind landfill siting and maintenance progressed, sites with high rainfall and soils that have low compaction have lost favor. Also, as landfills increase in size, location in remote areas is preferable.

Therefore, the newer large-landfills, such as Roosevelt and Columbia Ridge disposal sites, are located east of the Cascades where meteorological, geologic and population density conditions are ideal.²² But locating landfills must take into consideration factors other than environmental conditions and immediate impacts on close neighbors, including the costs to local residents of refuse disposal, the suitability of alternative disposal sites, and the financial impacts on local government of hosting a facility. Still, many landfills on the west side of the Cascades have been closed or are in the process of closing, and the impending closure of Riverbend Landfill in Yamhill County is one justification of Coffin Butte expansion.²³

In April 1970, individuals representing Benton, Linn, Marion, Polk and Yamhill counties met to discuss solid waste solutions for the five-county area. Two years later, they formed the Chemeketa Region, a cooperative program funded via a grant from the Environmental Protection Agency (EPA).

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At the time, “the Granger site” was the leading location for a regional landfill in Benton County. However, Benton County officials and residents soon expressed concerns about the plan, noting that the parcel was on prime farmland and the Willamette River Flood Plain. The opposition prompted the Chemeketa Board to go back to the drawing table, and by September 1973, four sites were under consideration for a regional landfill.

Two months later, Coffin Butte was designated as the preferred site. (The selection came following a public hearing in which residents opposed all four sites and a written public comment period during which Benton County received five letters opposed to Coffin Butte and four in favor. Two additional public hearings were held in February and March 1974. At the first, testimony was overwhelmingly in favor of the project. At the second, there was significant public opposition to the proposal, especially from the North Benton County Citizens Advisory group. Testimony lasted more than 3.5 hours.

Ultimately, the Benton County Planning Commission approved a conditional use permit request allowing Coffin Butte to be expanded into a regional landfill, one of several designated by the Chemeketa agreement.²⁵ Residents appealed but two months later Benton County officials upheld the Planning Commission’s decision. The Chemeketa agreement is not a sweeping commitment by Benton County to take all refuse from the other counties. While the charge of the Resource Recovery center being planned for the former Camp Adair site, and now in operation, was broad, access to use Coffin Butte for refuse disposal was limited to specific areas within the partnering counties, including the general areas of Monmouth/Independence (MI), West Salem (WS), Dallas (DA), Kings Valley (KV), Corvallis (CO), Albany (AL), Lobster Valley (LV), and Monroe/Harrisburg/Halsey.²⁶

Pressures for expansion renewed by 1981, notably with the closure of the Roche Road landfill in Linn County. The next level of expansion for Coffin Butte came in 1983 when the Benton County Planning Commission approved another expansion that the Landfill’s operators said would add half a century to the site’s life. (April 27, 1983) Although this expansion provoked less protest than in the early 1970s, the North Benton Citizen’s Advisory Committee (CAC) specified that there would be no disposal of municipal solid waste on the 59.23 acre property south of Coffin Butte Road²⁷ It is this parcel that was part of Republic Services’ 2021 CUP application.

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During the 1980s, the landfill operator purchased several properties surrounding the landfill, some belonging to residents whose water supplies were compromised as a result of landfill operations. One household well in sediments west of the landfill, on the former Helms home site, received sufficient contamination from the landfill site that the well had to be decommissioned under DEQ supervision. A DEQ report on the situation noted that practices at the landfill were being adjusted to minimize future problems, and the responses included the decommissioning of some wells. "Decommissioning water wells within the LOF or in areas potentially downgradient of impacts removes potential exposure to contaminants in groundwater. Two wells currently proposed for decommissioning include PW-1, which is within the LOF, but currently unused, and the Helms well, which is outside and downgradient of the LOF. The Helms well will be used (with carbon filter unit) until September 2006 at which time it will be disconnected from use and scheduled for decommissioning."²⁸

Coffin Butte Landfill History: Operating as a Landfill, 1983-2010²⁹

In the early 1980s, plans for Coffin Butte began to evolve, driven by increasing demand to expand the volume embedded at the site and changes in ownership. The 1983 Benton County decision to allow Linn County waste operators to use Coffin Butte generated significant attention (and a new 'landfill site' zone was created for the 266-acre CBL site and the site development plan allowed Valley Landfills to expand the landfill site by 10 acres immediately. This expansion was estimated to, "add half a century to the dump's useful life."³⁰ There was also a specification that there would be no disposal of municipal solid waste on the southside of Coffin Butte Road, a similar stipulation that citizens requested in the 2021 CUP application process.³¹

In the mid-1980s the landfill operated with relatively little controversy. The vision that the existing footprint would be adequate for decades to come was reinforced by Valley Landfills purchase of a 'Horizontal Fixed Hammer Hog'. This machine was designed to grind up organic material such as wood for processing as compost, diverting it from the landfill and it was claimed it would extend the landfill life for "another 60 or 70 years." In the 1980s, there appeared to be little concern about Coffin Butte's site life. An article in the *Gazette-Times* in August 1990 noted that Coffin Butte had an estimated lifespan of 60 to 70 more years and detailed the purchase of a new machine, the "Horizontal Fixed Hammer Hog", that could process wood into compost and wood chips. At the time, company officials said the machine would extend the Landfill's life by 20 years.³²

A *GT* article from July 21, 1994 noted that Benton County officials increased the franchise fee for Coffin Butte Landfill from \$500 annually to approximately \$86,000 or 1% of gross revenues. Environmentalists and others were pleased to see progress on the \$2.4 million power plant to generate electricity from the landfill's methane.³³ The Coffin Butte Landfill Annual Review of Operations for 1994 actually noted a decline in the amount being dumped at the site that was expected to continue, having a tonnage of 258,472 in 1994, down from a peak of 317,628 in 1992, reflecting the demolition of the James River Paper Plant in Linn County.³⁴

But the same year, Valley Landfill again requested to expand its Coffin Butte operations, seeking to rezone 26 rural residential acres to landfill use from its current use in hay and other fields irrigated with leachate. As noted in the *Gazette Times* on November 3, 1994, this request encountered stiff opposition by landfill neighbors and other county residents concerned about smell, noise, groundwater contamination and how the expansion would harm the natural beauty of the area.

~~About 50 people attended a Board of Commissioners' meeting and the additional submitted comments were numerous.~~

~~But the same year, Valley Landfill again requested to expand its Coffin Butte operations, **Also in 1994, Valley Landfills filed a conditional use permit application**, seeking to rezone 26 rural residential acres **it owned from rural residential for use as a landfill, as part of its long-term planning efforts**, to landfill use from its current use in hay and other fields irrigated with leachate. As noted in the *Gazette Times* on November 3, 1994, this request encountered stiff opposition by landfill neighbors and other county residents concerned about smell, noise, groundwater contamination and how the expansion would harm the natural beauty of the area. About 50 people attended a Board of Commissioners' meeting and the additional submitted comments were numerous.~~

In April 1994, Benton County Commissioners proposed eliminating a 10 percent surcharge on all waste coming to Coffin Butte from surrounding counties and replacing it with a 1 percent franchise fee levied on all customers. The move was an attempt to keep waste coming into Coffin Butte from Lincoln and Tillamook counties; the latter was being sued by a company that said it could offer a better rate for disposal elsewhere. County Commissioners approved the franchise fee in July to provide a "more stable funding source" for the County's solid waste program.³⁵ In 1994, Coffin Butte lost a significant amount of business, including 43,000 tons of paper from the James River Paper Plant and 12,000 tons from Tillamook County. Overall tonnage at Coffin Butte was 258,472 in 1994, down from 317,628 in 1993.

In addition to the surcharge debate, there was significant newspaper coverage of Valley Landfills' gas to energy project, a \$2.4 million effort to turn methane into electricity. At its inception, this facility was capable of powering 1,500 homes with clean energy. Today, PNGC Power Plant is capable of powering 4,000 homes with clean energy.

Also in 1994, Valley Landfills filed a conditional use permit application (CUP), seeking to rezone 26 acres it owned from rural residential for use as a landfill, as part of its long-term planning efforts. This was estimated to increase the capacity of the landfill by 64 to 80%.³⁶ As reported in the *Gazette Times* on November 3, 1994, this request encountered stiff opposition when local landowners cited concerns over smell, noise, groundwater contamination while other county residents wondered how large the county would let the landfill grow and whether increased capacity would affect the incentives to reduce consumption or recycle. About 50 people attended a Board of Commissioners' meeting.³⁷

The ~~active citizen's~~ **residents'** perspectives in 1994 are similar to those ~~generated~~ in the 2020s. Community members argued that approval of the expansion by the County Commission after the extensive negative public testimony would show a lack of concern about what the community thinks. Specific concerns **focused on** ~~regarded~~ the potential impact on springs and water supplies of ~~local residents~~, that the change would be an exception to **our** state land-use goals, and how it could set precedent for even more massive change in waste disposal in the future. **Citizens also testified that:** 1) eventually the county would have to close Coffin Butte Road, a critical emergency route; 2) they had existing concerns about traffic, noise, smells, and roadside litter; and 3) that potential earthquake

damage to liners could cause contaminants to seep into the underground water supply.³⁸ After delaying the vote at an earlier date, in a December 14, 1994 hearing, the Board of Commissioners denied the expansion unanimously. An article in the *Albany Democrat-Herald* reported that Commissioner Pam Folts said the Willamette Valley is not a good place for landfills because the high amount of rainfall can cause leachate to reach groundwater.³⁹

Expansion of Coffin Butte landfill was on the backburner through the rest of the 1990s. Public worries about spillages and other issues regarding leachate processing seemed to be resolved through cooperation between the landfill management and neighbors.⁴⁰

In the mid-1990s, Coffin Butte, its neighbors and elected officials worked cooperatively to solve problems related to leachate. Heavy rains in 1996 led DEQ to authorize the Landfill to pump leachate into the Willamette River on an emergency basis. (The agency later said the rain had diluted the liquid and there was no environmental harm to the area.) To avoid a similar situation, the Landfill raised the walls on its storage ponds, sent some leachate to the City of Corvallis for treatment and tried new techniques for processing the liquid. Managing leachate is an ongoing issue, and the City of Corvallis is considering whether they will continue to process Coffin Butte's leachate in Winter 2023.⁴¹

By 1997, the Landfill property had grown to 790 acres of which 194 acres was zoned for disposal. Coffin Butte was serving seven counties. Meeting tombstones regularly reported in the local paper by the county Solid Waste Advisory Committee (SWAC) show that the public was invited to hearings that were held to approve the extension of services to each of these counties

The second half of 1999 was eventful for Coffin Butte. On August 24, 1999 the landfill caught fire, which was reported to have been the biggest fire in Oregon history up to that date, that took hold at about 6:30 PM. On August 24, 1999 at around 6:30 PM, the landfill caught on fire.⁴² This fire, never a danger to local residents, was contained to the landfill site and was likely caused by a 'hot load' delivered to the landfill and no damage was reported to any property outside the landfill zone.

Probably more notable in the long run, on December 14, 1999, after 40 years of operating Corvallis Disposal and Coffin Butte Landfill, the Bunn Family announced they had sold their operation to Allied Waste Industries, the second largest solid waste services company in the world. Company President Duane Sorensen said of Allied, "We're really excited about these guys, they run pretty decentralized just like we do...you won't see any change."⁴³

Operations at Coffin Butte changed little in the early 2000s. Throughout this period, the Solid Waste Advisory Council was very active, frequently posting notices in the local paper. In November of 2002, the Benton County Board of Commissioners signed a Memorandum of Understanding with Valley Landfills stating that Valley Landfills, Inc (VLI), "will not conduct, without the prior approval of Benton County and the State of Oregon, the placement of solid waste on the approximate 56 acres, within the landfill zone which it owns south of Coffin Butte Road."⁴⁴ The required Benton County approval process specifies the need for a Conditional Use Permit (CUP) issued by the Planning Commission.

In 2008, Republic Services merged with Allied Waste Industries, and acquired control over the Coffin Butte facility. Republic Services, headquartered in Phoenix has managed the landfill since.

Coffin Butte Landfill: The Contemporary Context

Rate increases occurred throughout the 2000s and 2010s with relatively little public concern. In 2018, that changed when Republic Services announced that the tipping rate would rise from \$28.75 a load to \$85.75 nearly 200% increase. (Republic Services said the rate increase sought to discourage the general public from bringing their trash to the landfill as this interfered with high-ticket commercial haulers.⁴⁵ “We have a lot of traffic in and out of Coffin Butte Landfill,” Julie Jackson, Republic Services’ municipal manager told the Board of Commissioners. “It’s becoming increasingly dangerous to have the public there.”⁴⁶

Even after Republic Services dropped the rate to \$40, county residents voiced their displeasure at a Commissioners Meeting.⁴⁷ Because Coffin Butte is a privately-owned landfill, Benton County not then, and cannot now, regulate the rates Republic charges. However, the county was able to encourage a lower fee increase because it was in the process of renegotiating its franchise fee agreement.

The current pressure for expansion is inexorably tied to the volume emplaced in Coffin Butte. Although Benton County contributes only 12% of the total intake at Coffin Butte in 2021, pressures to increase intake tonnage include population growth, diversion rate, wildfire debris and, according to EPA data, more waste is being generated per capita today than ever before in history.

The capacity issue is discussed in great detail in another section of this report, but there is a historical component to it. This volume deposited varied somewhat from 1993 to 2016, but almost doubled in 2017 and has remained at that higher level to the present. Using information from the Coffin Butte Annual PRC reports, the volume emplaced between 1993-1999 averaged about 349,000 tons, in 2001-2009 the average was 536,000 tons and between 2010-2016 the volume averaged 497,000 tons. Between 2017-2021 the average doubled to 979,000 tons.⁴⁸ Some of the increase in 2017 might be explained by an unusual escalation in volume coming from Washington County that leapt from 49,000 tons in 2016 to 254,000 tons in 2017, an increase of 418%. But Washington County’s share of the total tonnage received accounts for less than 10%. In terms of tonnage increase from 2000 to 2020, Marion County’s contribution rose from 11% to 21%. Marion is the only county whose relative contribution increased more than one percentage point over that period when all but two of the other contributor counties’ shares have fallen.⁴⁹

The amount of waste (tonnage) being delivered to Coffin Butte has increased steadily in recent years. Annual reports submitted to the county show that tonnage in 2016 was 552,978.53. The following year, tonnage increased by 66.63 percent. Republic Services has noted that much of that increase is due to the diversion of waste from the Riverbend Landfill in Yamhill County, which was nearing capacity and having difficulties with its expansion plans.⁵⁰ Tonnage has continued to increase on an annual basis, with the exception of 2020, a year that was marked by significant lifestyle changes due to the global COVID-19 pandemic. There was 1,046,066.96 tons of waste deposited at Coffin Butte in 2021, an 89.17 percent increase compared to 2016 numbers. Coffin Butte currently operates under a tonnage cap of 1.1 million.

Some of the increase in 2017 might be explained by an unusual escalation in volume coming from Washington County that leapt from 49,000 tons in 2016 to 254,000 tons in 2017, an increase of 418%.⁵¹ A notable element in the increase from 2016 to 2017 was that Washington's County's contribution rose from 49,000 tons to 254,000 tons. Overall, Marion County has had the most consistent proportional increase in deposits, rising from 11% in 2000 to 21% in 2020.⁵¹

The current Benton County Talks Trash (BCTT) process is a reaction to specific decisions made by Benton County officials and Republic Services regarding three situations. First, the public process and outcome of December 2020 franchise agreement between Benton County and Republic Services. Second, the BCTT process examined the issues raised when Republic Services applied for a Conditional Use Permit to expand landfill operations south of Coffin Butte Road in 2021, an application approved by the SWAC, but unanimously rejected by the county Planning Committee. The third action leading to the creation of the BCTT process was the decision of Republic Services to not appeal the Planning Commission decision and instead request another CUP in the future and the County Commission's decision to prepare the county for the request. In each of the above situations, some residents have raised concerns about the public notice process and the lack of information given to residents before decisions were made and contracts signed. Recommendations for fixing these communication gaps are part of this Subcommittee (E's) charge: Develop protocols for the timely and broad distribution of CUP-related information to the public, other governmental entities, and internal committees, groups and divisions.

Benton County officials viewed the negotiations with Republic Services leading to the 2020 franchise agreement for trash hauling very positively. That franchise fee agreement was settled on June 7, 2022 with a ten-year agreement, with the possibility of re-negotiation July 1, 2024. As County Commissioner Xan Augerot observed, "... while county officials have a long-standing working relationship of trust with Republic's local staff, many members of the community haven't been party to that."⁵²

A communication breakdown between some residents and county officials regarding landfill issues became very apparent following the signing of new franchise agreement over Coffin Butte signed in mid-December 2020, which assumed an expansion of the landfill. Unlike the more highly publicized prior franchise negotiations, a review of the local newspapers through 2020 when the landfill franchise agreement was being negotiated did not reveal any announcements about the process nor did the public seem to be made aware of this new franchise agreement in any way. At the Board of Commissioners meeting to vote on the franchise agreement, the county attorney attested that there were no public comments.⁵³ Members of the SWAC acknowledged that they were told that this was not a matter for their consideration. This is surprising in light of the fact that a September 2020 solicitation notice for Advisory Board membership explicitly states 'review franchise agreements' as a primary responsibility.⁵⁴

The 2020 franchise agreement over landfill operations enhanced the financial incentives of the county for increased tippage. Under the 2020 agreement, Benton County receives compensation in two forms. The "franchise fee" given for allowing the landfill to operate starts at \$2 million in 2021 and rises to \$3.5 million by 2024. The agreement was designed to financially pressure the county to favor

increased volume of disposal and the expansion of the landfill by the addition of a “host fee” compensation model. The “host fee” starts at \$2.87 per ton of waste in 2021 to \$3.99 per ton in 2024. Before the county receives the “host fee”, however, the franchise fee is first subtracted from the per ton charge. If too little is disposed of, the county may receive no host fee and the county is rewarded if more waste goes to Coffin Butte. As the franchise fee goes up, the volume required to receive the host fee also goes up. Furthermore, the fees go up slightly if the landfill expansion is approved by 2023, and will go down slightly if the landfill expansion is not approved by 2025.⁵⁵ Before the vote to sign the franchise agreement, Benton County Counsel Vance Croney stated that Republic Services maintained that its ability to pay higher fees was dependent on reducing cost or increasing capacity.⁵⁶ In contrast to the image of Republic’s Services’ finances as represented by Croney, in January 2021 the company reported \$2.5 Billion of Cash Flow from Operations and Over \$1.2 Billion of Adjusted Free Cash Flow and returned \$621 million in cash to shareholders in 2020.⁵⁷

In May, 2021, Republic Services submitted an application to Benton County for a CUP (to expand the landfill. At the July 28, 2021 meeting, the Benton County Solid Waste Advisory Committee ‘strongly supported’ the CUP according to a memo submitted to the Planning Commission the next day. A search of the local papers did not reveal a public notice regarding the 2020 Franchise Agreement process nor the Republic Services CUP request that followed, but by August, members of the local community formed a coordinated effort to educate themselves and fellow Benton County residents regarding what could be a doubling of the size of the Coffin Butte Landfill. Letters to the editor, critical of the planned expansion began to appear in the local papers and public meetings were well-attended by folks objecting to the expansion.⁵⁸ Reporting at the time also noted Croney’s financial arguments in favor of the expansion, particularly the revenue implications and possible future costs of disposal for county residents of denying the expansion request.⁵⁹ These arguments engendered a *Gazette Times* editorial endorsing the expansion.⁶⁰

Public notice of the Planning Commission Hearing for the Republic Services CUP application LU-21-047 (this is the planning commission’s label for this specific process) regarding the Coffin Butte Landfill appeared in the local papers on October 14, 2021. Public outcry had been building over the past few months as residents began to understand the ramifications of the 2020 Franchise Agreement and the corresponding CUP which proposed extending the landfill area south of Coffin Butte Road, which had long been viewed locally as a ‘case closed’ impossibility given the 1983 and 1994 agreements. During the period leading up to first LU-21-047 Planning Commission meeting, neighbors of the landfill and residents throughout the county wrote numerous letters to the editor in the local papers, convened meetings and gathered data regarding the proposed expansion. It should be noted that, while much public commentary in attributed editorials and letters to the editor opposed the expansion, several *Gazette Times* articles written by veteran reporter James Day throughout the period from October 2021 through January 2022 gave a very positive account of the Coffin Butte expansion and could be said to advocate for its approval. In addition, on November 12, 2021 an unattributed full length staff editorial in the *Gazette Times* recommended approval of Coffin Butte expansion and on December 19, 2021 the paper’s editorial page feature “Roses and Raspberries” assigned a raspberry rating “to the Benton County Planning Commission for unanimously denying a proposal by Republic Services to expand the Coffin Butte landfill.”

The first LU-21-047 Planning Commission meeting generated so much ire that over a hundred residents signed up to testify at the 4.5 hour hearing and a second meeting had to be scheduled to listen to public comment. The more than 30 citizens speaking at the November 2, 2021 and the November 16, 2021 Planning Commission hearings, all opposed the expansion.⁶¹ Objections raised in public comments in this process are partially why the County Commission created the Benton County Talks Trash process.

On December 7, 2021, the Planning Commission unanimously denied the LU-21-047 CUP.

Republic Services filed an appeal to the County Commission, but on March 15, 2022 the company informed the Board of Commissioners that they would pull the appeal. Meanwhile, over the period from October of 2021 to January of 2022 the membership of the Solid Waste Advisory Council changed radically as four members resigned without comment and new members were appointed.

The Benton County Board of Commissioners, seeking to find common ground between the very strong community resistance to the landfill and the operators, Republic Services, hired a consultant from Oregon Consensus and an Assessment Report was filed on July 12, 2022. This led to the Solid Waste Process Workgroup “Benton County Talks Trash” being formed. The first Solid Waste Process Workgroup meeting convened on September 8, 2022. According to its charter, Benton County Solid Waste Process Workgroup, also entitled BCTT (Benton County Talks Trash), is charged by the Benton County Commissioners to serve as a “bridge” process between past events and next steps. The process is designed to reset the current dynamics with the development of “common understandings” and recommended protocols for the future substantive consideration of the solid waste issues.

The workgroup charges are reflected in the subcommittees that have been formed to drill down into clarifying aspects of solid waste management in Benton County. The workgroup must arrive at common understandings regarding the landfill and the pending Republic Services CUP, the legalities surrounding the relationship between the Republic Services and Benton County, preparing for the creation of a Sustainable Materials Management Plan, and formulating effective communication channels between Benton County and its residents.

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https://www.researchgate.net/publication/281411611_Overview_of_the_Oregon_Resilience_Plan_for_next_Cascadia_Earthquake_and_Tsunami

⁶ Scott Learn, "Bigger Yamhill Landfill OK'ed". *The Oregonian* (May 31, 2013).

⁷ Zybach, 2000, p. 72-73.

⁸ *Ibid.*, P. 120.

⁹ 2022 Conditional Use Permit Staff Report. Benton County Development Department. **File No.** LU-21-047

¹⁰ Zybach, 2000, pp. 118-119.

¹¹ "Northwest Benton County Route". Benton County, Oregon. <

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¹² Leticia Carson Legacy Project. Oregon State University. < <https://letitiacarson.oregonstate.edu/about-letitia-carson/>>

¹³ Oregon Department of Fish and Wildlife. "Visitor Guide: E.E. Wilson Wildlife Area History".

<https://www.dfw.state.or.us/resources/visitors/ee_wilson_wildlife_area/history.asp>

¹⁴ Historic Soap Creek Schoolhouse Foundation, "Soap Creek Schoolhouse", 2021.

<<https://soapcreekschoolhouse.org/index.html>>

¹⁵ Oregon Department of Fish and Wildlife, EE Wilson Wildlife Management Plan (Updated January 2019)

https://www.dfw.state.or.us/wildlife/management_plans/wildlife_areas/docs/ee_wilson.pdf

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¹⁸ Unless otherwise noted, all information here is from the *Corvallis Gazette-Times*.

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²¹ *Corvallis Gazette-Times*, August 26, 1972.

²² Republic Services, "Roosevelt Landfill Site: FAQs". <https://www.republicservices.com/roosevelt-landfill>

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https://www.co.benton.or.us/sites/default/files/fileattachments/community_development/page/8136/1974_chemeketa_region_solid_waste_management_program_technical_report_volume_ii.pdf. Also see BCTT, Subcommittee A,

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²⁸ *Record of Decision for Coffin Butte, October 2005*. Oregon Department of Environmental Quality, October, 2005, p. 16.

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²⁹ References in this section are from the *Corvallis Gazette Times* or *Albany Democrat Herald*, which generally share their reporting on these issues.

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- ³² *Corvallis Gazette-Times*. August 26, 1990.
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- ³⁴ Wilson, Bob and Gordon Brown, Benton County Environmental Health Division. *Coffin Butte Landfill Annual Review 1994 Operations*. August 22, 1995. P. 4
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- ³⁶ *Corvallis Gazette-Times*, November 3, 1994.
- ³⁷ *Corvallis Gazette-Times*, November 3, 1994.
- ³⁸ *Corvallis Gazette-Times*. November 3, 1994 and November 14, 1994.
- ³⁹ *Albany Globe Democrat*. December 15, 1994.
- ⁴⁰ *Corvallis Gazette-Times*. April 27, 1996, also December 17, 1997.
- ⁴¹ *Corvallis Gazette-Times*. January 25, 2023.
- ⁴² *Corvallis Gazette-Times*. August 25, 1998.
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- ⁴⁹ Data from Coffin Butte Landfill PRC Annual Reports 1999-2012, hardcopies stored at Benton County offices, The 2013 Report is missing in those files.
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- ⁵⁶ Benton County Board of Commissioners Meeting. December 15, 2000. Recording.
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- ⁵⁸ There were at least three letters alone on October 20, 2021. The letters emphasized that the waste was overwhelmingly from outside of Benton County, transportation implications of an enlarged facility, and impacts on a great blue heron rookery. Another news article from that day discussed the hearing that Republic Services held to explain their plan.
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- ⁶¹ *Corvallis Gazette-Times*. December 8, 2021.