



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Western Region Salem Office
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Salem, OR 97302
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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

