Oregon

Tina Kotek, Governor

Department of Environmental Quality
Office of Compliance and Enforcement
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March 11, 2026

CERTIFIED MAIL: 9589 0710 5270 0110 5984 94

Valley Landfills, Inc.
c/o CT Corporation System, Registered Agent
780 Commercial Street SE, Suite 100
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. AQ/V-WR-2025-582

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of $3,016,128 for multiple violations of state and federal air quality requirements at the Coffin Butte landfill located at Highway 99W and Coffin Butte Road north of Corvallis, Oregon. Specifically, you failed to conduct adequate surface emissions monitoring, excluding large areas of the landfill that are required to be monitored for methane leaks on a quarterly basis. You also failed to consistently complete remonitoring and corrective actions, thereby violating regulatory standards for the concentration of methane at the landfill surface. The enclosed Notice of Civil Penalty Assessment and Order (Notice) also cites you for failing to install and operate an adequately sized gas collection and control system to capture and combust the maximum rate of gas generated by the landfill, and failing to consistently operate the landfill gas controls. The current control system at the Coffin Butte landfill is made up of five engines that combust landfill gas for electricity and an enclosed flare that also combusts landfill gas. The enclosed flare was installed in August 2024 to replace two open flares. DEQ's review of flare downtime data for 2022 through 2025 reveals significant amounts of downtime for both the current and previous flares. By failing to ensure that the flares were consistently maintained and operational, you failed to adequately control the gas generated by the landfill. Finally, you failed to implement a program to monitor landfill cover integrity monthly and to implement repairs, and you submitted inaccurate cover monitoring reports to DEQ.

DEQ issued this penalty because the violations addressed in the Notice pose a risk of harm to human health and the environment. Coffin Butte landfill is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, subpart AAAA—federal regulations that generally require monitoring, capture, and control of landfill gas emissions. The NESHAP regulations were promulgated by the federal government and adopted by Oregon to ensure that hazardous air pollutants are kept to minimum levels to protect public health and the environment. Landfill gas includes nonmethane organic compounds, some of which are known or suspected carcinogens and may cause other serious health effects. Landfill gas emissions also affect human welfare due to odor. Finally, landfill gas emissions are a significant contributor to climate change. In October 2021, the Environmental Quality Commission adopted landfill gas emissions requirements for Oregon landfills that generally parallel federal law but also include more stringent requirements focused on the monitoring and control of methane emissions. The largest component of landfill gas is methane—a

potent greenhouse gas that contributes to climate change. Oregon's 2021 regulations—Oregon Administrative Rules Chapter 340, Division 239—are part of the state's broader strategy to address climate change. Therefore, failure to monitor, capture, and control landfill gas emissions from the Coffin Butte landfill as required under both federal law and Oregon's Division 239 requirements has significant environmental and public health impacts.

Included in Section IV is an order requiring you to:

- By May 15, 2026:
  - Submit to DEQ for approval a surface emissions monitoring plan, including enhanced reporting, and then implement the DEQ-approved plan;
  - Submit to DEQ for approval a revised treatment system monitoring plan, and then implement the DEQ-approved plan; and
  - Submit to DEQ for approval a written procedure for monthly cover integrity monitoring and repairs, and then implement the DEQ-approved procedure.
- By June 15, 2026:
  - Complete all landfill cover repairs identified by your consultant in January 2026 and submit documentation to DEQ;
  - Submit to DEQ for approval an amended design plan that meets regulatory requirements, proposes new landfill gas controls, and a schedule for installing the new controls, and then install and operate the new controls according to the DEQ-approved plan; and
  - Submit to DEQ for approval an operations and maintenance plan for the enclosed flare, and then implement the DEQ-approved plan.
- By October 1, 2026, conduct additional visible emissions observations of tipping operations and submit an updated fugitive dust control plan to DEQ for approval; then implement the DEQ-approved plan.

The above is just a summary of the order; you must consult Section IV of the Notice for the order's more detailed requirements.

$2,265,528 of the civil penalty represents the economic benefit you gained by avoiding the cost of required surface emissions monitoring, installing new wells in response to exceedances of standards, installing and operating landfill gas controls adequate to consistently control the gas generated by the landfill, preparing an amended design plan, and implementing cover monitoring and repairs. If you complete the requirements of the order, described above, DEQ will consider recalculating some of these costs as delayed rather than avoided and will reduce the civil penalty accordingly.

You may pay the civil penalty as follows:

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here: https://ydo.oregon.gov. Select Register Account or Login, then select Pay Invoices/Fees on your account dashboard. Enter the Invoice number and Account ID included on the attached payment slip. Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional charges, or

Pay by check or money order: Make checks payable to "Department of Environmental Quality" and mail to the address on the enclosed payment slip. Please make sure to include the payment slip with your check or money order.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:

Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232
Via email – DEQappeals@deq.oregon.gov
Via fax – 503-229-6762

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due.

The attached Notice further details DEQ's reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a portion of your penalty. Further information is available by calling the number below or at http://www.oregon.gov/deq/Regulations/Pages/SEP.aspx.

DEQ's rules are available at https://www.oregon.gov/deq/Regulations/Pages/Administrative-Rules.aspx or by calling the number below.

If you have any questions, please contact Becka Puskas at (503) 229-5421 or becka.puskas@deq.oregon.gov.

Sincerely,

Erin Saylor, Manager
Office of Compliance and Enforcement

Enclosures

cc: Paul Koster II, Valley Landfills, Inc., 28972 Coffin Butte Road, Corvallis, OR 97330
Brent Learch, Valley Landfills, Inc., 28972 Coffin Butte Road, Corvallis, OR 97330
Bret Davis, Valley Landfills, Inc., 28972 Coffin Butte Road, Corvallis, OR 97330
Michael Eisele, DEQ
Zach Loboy, DEQ
Accounting, DEQ
Donald Hendrix, AQ, DEQ

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF: VALLEY LANDFILLS, INC., an Oregon corporation, Respondent.	))))	NOTICE OF CIVIL PENALTY ASSESSMENT AND ORDER CASE NO. AQ/V-WR-2025-582

I. AUTHORITY

The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140, ORS 468A, ORS Chapter 183, and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012, 200, 218, 244 and 239.

II. FINDINGS OF FACT

1. Respondent owns and operates the Coffin Butte Landfill located at Highway 99W and Coffin Butte Road north of Corvallis, Oregon (the Landfill).

2. Respondent operates the Landfill subject to Oregon Title V Operating Permit No. 02-9502-TV-01 (the Permit). The Permit was last renewed on October 30, 2009.

3. The Landfill is subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations in 40 Code of Federal Regulations (CFR) Part 63, Subpart AAAA, Municipal Solid Waste Landfills (Subpart AAAA), adopted and incorporated in OAR 340-244-0220(1).

4. The Landfill is also subject to Oregon's Landfill Gas Emissions requirements in OAR Chapter 340, Division 239 (Division 239).

Surface Emissions Monitoring, Remonitoring & Corrective Action

5. According to Subpart AAAA, Respondent must conduct Surface Emissions Monitoring (SEM) to ensure that the Landfill's gas collection and control system is being operated so that the methane concentration is less than 500 parts per million (ppm) above background at the surface of the Landfill.

6. Under Oregon's Division 239 requirements, Respondent must demonstrate consistent compliance with both a 500 ppm instantaneous methane concentration limit and a 25 ppm average

methane concentration limit based on "integrated" SEM, which takes the average of SEM readings within a 50,000-square-foot grid. OAR 340-239-0200(1); OAR 340-239-0800(3).

7. According to 40 CFR 63.1958(d) and 40 CFR 63.1960(c), Respondent must conduct surface emissions monitoring (SEM) using a portable monitor at no more than 30-meter intervals throughout the collection area of the Landfill. SEM must also be conducted at all cover penetrations, and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. According to 40 CFR 63.1958(d)(1), "[a] surface monitoring design plan must be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing."

8. OAR 340-239-0600(1) requires Respondent to conduct quarterly SEM using the procedures specified in OAR 340-239-0800(3). OAR 340-239-0800(3)(a) requires Respondent to conduct SEM on the "entire landfill surface" with 25-foot spacing (approx. 7.6 meters). The landfill surface means "the area of the landfill under which decomposable solid waste has been placed, excluding the working face." OAR 340-239-0015(23). The working face means "the open area where solid waste is deposited daily and compacted by landfill equipment." OAR 340-239-0015(41). For purposes of evaluating compliance with the surface emission methane concentration limits in OAR 340-239-0200, the working face must be kept to the "minimum size and time duration as possible." OAR 340-239-0300. Any areas that Respondent seeks to exclude from SEM, other than the working face, as defined in Division 239, must be approved by DEQ under OAR 340-239-0500.

9. Neither EPA nor DEQ have approved exemptions to the the SEM requirements described in Section II, paragraphs 7 and 8, above.[1]

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[1] In February 2020, Respondent submitted a request for approval of alternatives to SEM, under federal rules that the landfill was previously subject to, 40 CFR Part 60, Subpart WWW. DEQ and EPA reviewed the proposal and responded in September 2020. Importantly, DEQ denied Respondent's request to monitor at 60-meter intervals rather than 30-meter intervals. Additionally, DEQ and EPA found that Respondent had provided insufficient information to consistently exclude areas of the landfill claimed as dangerous including roads, active fill area, truck traffic areas, construction areas, areas with snow or ice over, and slopes steeper than or equal to 5:1. In September 2020, DEQ approved the dangerous areas exemption subject to the following conditions: 1) that Respondent must submit in its semi-annual reports to DEQ a "detailed explanation why those areas are excluded from surface monitoring, and duration of time the location is excluded from SEM"; 2) that Respondent must

10. During the third calendar quarter of 2022 (Q3 2022),[2] Q4 2022, Q2 2023, Q3 2024, Q4 2024, Q1 2025 and Q2 2025, Respondent did not conduct SEM in significant portions of the Landfill where waste had been placed, claiming those portions as "Overgrown Vegetation" or "Exempt due to High Vegetation." In Respondent's quarterly SEM reports, those areas were marked in green (or sometimes yellow) on Respondent's SEM maps.

11. There is no exemption from SEM for overgrown or high vegetation in Subpart AAAA or in Division 239.

12. DEQ has not approved any exemptions from the SEM requirements for overgrown or high vegetation.

13. In Q3 2024, Q4 2024, Q1 2025, Q2 2025, Q3 2025 and Q4 2025, Respondent did not conduct SEM in significant portions of the Landfill where waste had been placed, claiming those portions as "Steep Slopes" or "Exempt for Health and Safety." In Respondent's quarterly SEM reports, those areas were marked in purple, orange, or blue on Respondent's SEM maps.

14. Respondent has not submitted a surface monitoring design plan with a topographical map designating dangerous areas with steep slopes, nor has Respondent submitted any other detailed justification for excluding these large areas from SEM.

15. DEQ has not approved any exemptions from the SEM requirements due to steep slopes.

16. Among the areas where Respondent failed to conduct SEM in Q3 2024 and Q4 2024, claiming steep slopes, is the southern portion of the landfill where final cover has been placed. Respondent successfully conducted SEM in these same areas in Q1 2025 and Q2 2025.

17. For a number of monitoring events, including the Q3 2024 through Q2 2025, Respondent did not conduct SEM in significant portions of the Landfill where waste had been placed, claiming

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submit a request in writing if it planned to exclude the same location more than two consecutive quarters, and 3) if the excluded areas are long-term rather than temporary, that Respondent modify the design plan and get those changes approved by DEQ. Since September 2020, Respondent has not provided a detailed explanation of why areas it considered dangerous are excluded from SEM, DEQ has not approved any requests to exclude areas from SEM more than two consecutive quarters, and DEQ has not approved a modified design plan excluding areas from SEM over the long-term.

[2] Hereinafter, this Notice uses the nomenclature Q1, Q2, Q3, and Q4 to describe the first, second, third and fourth quarters of a calendar year, respectively.

those portions as "Active." For example, in Q4 2024, Respondent claimed 30 out of the 105 total 50,000 square foot SEM grids as exempt from monitoring because they were "Active." In Respondent's quarterly SEM reports, those areas were marked in yellow on Respondent's SEM maps.

18. Some of the areas that Respondent excluded from SEM in Q3 2024 through Q2 2025 as "Active" were covered by interim cover.

19. In Q1 2023, Q3 2023, Q4 2023, Q1 2024, and Q2 2024, Respondent did not conduct SEM in significant areas of the landfill, claiming those areas as "Exempt" with no further justification. For example, in in Q2 2024, Respondent claimed 63 out of the 105 total 50,000 square foot SEM grids as "Exempt."

20. DEQ has not approved the exemptions claimed by Respondent in its SEM reports, as described in Section II, Paragraph 19, above.

21. For each quarterly monitoring event, Respondent established 50,000 square foot areas on the surface the the Landfill. Based on all of the exemptions claimed, between Q3 2022 and Q4 2025, Respondent monitored between 10 percent and 74 percent of the total number of 50,000 foot grid areas during each calendar quarter, as described in the Table below.

Calendar quarter	**Grids where SEM was conducted**	**Total grids**	**Percent of grids monitored**
Q3 2022	52	105	50%
Q4 2022	60	105	57%
Q1 2023	57	105	54%
Q2 2023	48	105	46%
Q3 2023	64	105	61%
Q4 2023	63	105	60%
Q1 2024	49	105	47%
Q2 2024	42	105	40%
Q3 2024	44	105	42%
Q4 2024	10	105	10%
Q1 2025	29	105	28%
Q2 2025	33	121	27%
Q3 2025	74	121	61%
Q4 2025	90	121	74%

22. According to OAR 340-239-0800(3)(a)(B), the walking pattern for the initial quarterly SEM "must be no more than a 25-foot spacing interval and must traverse each monitoring grid."

23. From at least Q3 2022 through Q4 2025, Respondent did not consistently conduct SEM with 25-foot spacing.

24. Respondent began placing waste in Cell 5B of the Landfill in 2018, in Cell 5C in 2020, in Cell 5D in 2022, and in Cell 5E in 2023.

25. Respondent did not conduct SEM in Cells 5B, 5C, 5D or 5E during any calendar quarter from Q1 2022 through Q1 2025.

26. In Q2 2025, Respondent began conducting SEM in Cells 5B, 5C, 5D and 5E.

27. The U.S. Environmental Protection Agency (EPA) conducted inspections of the Landfill on June 23, 2022 and June 21, 2024.

28. During both EPA inspections, EPA conducted SEM on portions of the Landfill.

29. During the June 23, 2022, EPA inspection, EPA documented 61 exceedances of 500 ppm methane, 21 of which were above 10,000 ppm methane.

30. In contrast, Respondent's initial SEM event for Q2 2022, conducted on June 9, 2022, documented only 6 exceedances of 500 ppm.

31. During the June 21, 2024, EPA inspection, EPA documented 41 exceedances of 500 ppm methane.

32. In contrast, Respondent's initial SEM event for Q1 2024, conducted on March 26 and 29, 2024 (prior to the June 2024 EPA inspection), Respondent documented only 11 exceedances of 500 ppm methane.

33. In Respondent's initial SEM event for Q2 2024, conducted June 26, 2024 (after the June 2024 EPA inspection), Respondent documented 22 exceedances of 500 ppm methane.

34. According to 40 CFR 63.1960(c) and OAR 340-239-0600(1)(a), Respondent must conduct remonitoring and take corrective actions in response to SEM readings of 500 ppm methane or greater. According to OAR 340-239-0600(1)(b), Respondent must conduct remonitoring and take corrective actions in response to exceedances of a 25 ppm integrated reading, i.e., an average of the readings in

the 50,000 square foot grid detected during SEM events. If those remonitoring and corrective action requirements are not followed, Respondent is in violation of the compliance standards in Subpart AAAA and Division 239. 40 CFR 63.1958(d); 40 CFR 63.1960(c)(4); OAR 340-239-0200(1).

35. Specifically, according to 40 CFR 63.1960(c)(4)(ii) and (iii) and OAR 340-239-0600(1)(a)(C), remonitoring is required within 10 days of a 500 ppm exceedance, and if there is a second exceedance, a second round of remonitoring is required in another 10 days. Any location that showed an initial exceedance, but has a methane concentration of less than 500 ppm methane at the 10-day remonitoring, must be remonitored one month from the initial exceedance. 40 CFR 63.1960(c)(4)(iv); OAR 340-239-0600(1)(a)(C)(iii).

36. Similarly, according to OAR 340-239-0600(1)(b)(B), if there is an exceedance of the 25 ppm integrated standard during the initial monitoring, Respondent must remonitor the grid within 10 days, and if there is a second exceedance, the grid must be monitored a third time within another 10 days.

37. In Q3 2022, Respondent's initial SEM detected 500 ppm or more, but Respondent failed to conduct 10-day remonitoring, or the second round of 10-day remonitoring (following a second 500 ppm exceedance), at thirty-one (31) surface locations on the Landfill (and Respondent listed "N/A" for not applicable in its monitoring report submitted to DEQ). Respondent conducted a follow up "1-month" montoring event on October 13, 2022 which indicated that some locations were below the 500 standard. A return to compliance was not documented for the other locations (and Respondent listed "N/A" for not applicable in its monitoring report submitted to DEQ). Respondent reported SEM results for Q3 2022 as follows:

Location (Surface)	**Initial Monitoring Results (ppmv) 9/12, 9/13, 9/14, 9/15, 9/16/2022**	**10-Day Follow Up Monitoring Results (ppmv) 9/22/2022**	**2nd 10-Day Follow Up Monitoring Results (ppmv) 10/3/2022**	**1-Month Follow Up Monitoring Results (ppmv) 10/13/2022**
3AOV0068	10000	3700	N/A	417
4V000030	10000	3000	N/A	63
4V000031	20000	5500	N/A	170
4V000043	2000	3101	N/A	84
5FLR0005	1000	476	N/A	395
5H00029	1000	420	N/A	183

EP G70 Surf Read	1000	N/A	N/A	N/A
EP G72 Surf Read	500	N/A	N/A	N/A
EP G73 Surf Read	500	N/A	N/A	N/A
EP G73 Surf Read 1	500	N/A	N/A	N/A
EP G75 Surf Read	500	N/A	N/A	N/A
EP Surf Read G69	503	N/A	N/A	N/A
EP Surf Read G69 2	1041	N/A	N/A	N/A
EP Surf Read G70	800	N/A	N/A	N/A
EP Surf Read G79	1400	N/A	N/A	N/A
EP Surf Read G79 1	1500	N/A	N/A	N/A
EP Surf Read G80 1	500	N/A	N/A	N/A
EP Surf Read G81	1700	N/A	N/A	N/A
EP Surf Read G82	2000	N/A	N/A	N/A
EP Surf Read G82 2	8000	N/A	N/A	N/A
EP Surf Read G83	5000	N/A	N/A	N/A
High Surface G22 DG	850	N/A	N/A	N/A
High Surface G40 DG1	900	N/A	N/A	N/A
High Surface G43 DG3	3000	N/A	N/A	N/A
5V000085	2500	3000	N/A	469
5V000084	2000	926	N/A	487
EP G76 Surf Read	500	N/A	N/A	N/A
EP G76 Surf Read 2	500	N/A	N/A	N/A
High Surf G41 DG	800	N/A	N/A	N/A
High Surf G22 DG	5000	N/A	N/A	N/A
High Surf G42 DG	530	N/A	N/A	N/A

38. Also in Q3 2022, Respondent's integrated SEM documented thirteen (13) 50,000 grid areas of the Landfill that exceeded 25 ppm integrated standard during the initial monitoring and the 10-day follow up monitoring, as described in the table below. However, Respondent did not conduct a second round of 10-day remonitoring in any of these 13 grid areas, despite the fact that a second round of 10-day remonitoring was conducted in early October 2022 for many locations based on the instantaneous (500 ppm) monitoring results. Therefore, it is unclear whether these areas returned to compliance with the 25 ppm integrated standard. Respondent reported SEM results for Q3 2022 as follows:

Grid Number	**Date and time**	**Integrated result (ppm)**	**Comments**
CBLF-022	9/13/2022 10:45	39.92	Initial
	9/21/2022 12:13	43.49	10-day Recheck
CBLF-023	9/13/2022 11:12	38.32	Initial
	9/21/2022 12:25	26.98	10-day Recheck

CBLF-043	9/12/2022 12:47	73.53	Initial
	9/21/2022 12:10	53.32	10-day Recheck
CBLF-070	9/12/2022 14:59	40.08	Initial
	9/21/2022 10:04	26.9	10-day Recheck
CBLF-071	9/12/2022 14:47	29.9	Initial
	9/21/2022 09:51	39.55	10-day Recheck
CBLF-072	9/12/2022 14:10	45.18	Initial
	9/21/2022 09:34	129.18	10-day Recheck
CBLF-073	9/12/2022 13:33	119.7	Initial
	9/21/2022 09:18	135.07	10-day Recheck
CBLF-074	9/12/2022 13:06	42.42	Initial
	9/21/2022 11:18	52.08	10-day Recheck
CBLF-075	9/12/2022 12:33	42.94	Initial
	9/21/2022 11:28	75.77	10-day Recheck
CBLF-076	9/12/2022 11:58	92.01	Initial
	9/21/2022 11:39	154.19	10-day Recheck
CBLF-080	9/13/2022 11:36	43.9	Initial
	9/21/2022 09:39	87.59	10-day Recheck
CBLF-081	9/13/2022 12:28	44.67	Initial
	9/21/2022 10:24	28.88	10-day Recheck
CBLF-082	9/13/2022 13:41	33.95	Initial
	9/21/2022 10:47	57.73	10-day Recheck

39. During initial SEM for Q4 2022 conducted on November 10 and 11, 2022, Respondent documented at least fourteen (14) locations on the Landfill surface that exceeded 500 ppm methane. Follow up monitoring was conducted late, more than 10 days after the initial monitoring, on November 28, 2022, and indicated that all locations were below 500 ppm methane. One-month follow up monitoring was not conducted for any of the 14 locations.

40. Also in Q4 2022, Respondent's integrated SEM documented twenty-three (23) 50,000 grid areas of the Landfill that exceeded 25 ppm integrated standard during the initial monitoring conducted on November 10 and 11, 2022. As described in the table below, Respondent's Q4 2022 SEM report indicates that both the first and second rounds of 10-day remonitoring were unable to be completed due to weather, despite the fact that one round of remonitoring for 500 ppm exceedances was conducted (late) on November 28, 2022, as described in Section II, Paragraph 39, above. Eleven grids described in the table below (CBLF-023, -043, -070, -071, -072, -073, -074, -075, -076, -080, and -081) are grids where remonitoring was also not conducted in the previous quarter (Q3 2022), as described in Section

II, Paragraph 38, above. Therefore, there were two consecutive calendar quarters where there is no evidence of a return to compliance with the 25 ppm standard in those areas of the Landfill. Respondent reported SEM results for Q4 2022 as follows:

Grid Number	Date and time	Integrated result (ppm)	Comments
CBLF-021	11/10/2022 11:18	31.13	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-023	11/10/2022 10:39	155.79	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-024	11/10/2022 11:53	51.21	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-026	11/10/2022 13:32	25.35	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-042	11/10/2022 11:13	37.22	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-043	11/10/2022 10:39	51.65	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-044	11/10/2022 09:57	37.63	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-057	11/10/2022 16:09	26.82	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-069	11/11/2022 10:56	25.68	Initial Monitoring

	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-070	11/11/2022 10:22	43.15	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-071	11/11/2022 09:48	92.46	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-072	11/10/2022 16:13	124.93	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-073	11/10/2022 15:23	65.65	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-074	11/10/2022 13:36	147.64	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-075	11/10/2022 12:56	85.4	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-076	11/10/2022 11:50	121.39	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-080	11/10/2022 10:33	55.37	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-081	11/10/2022 11:46	31.61	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-083	11/10/2022 13:40	41.96	Initial Monitoring

	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-085	11/10/2022 16:13	72.07	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-087	11/11/2022 11:36	27.68	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-088	11/11/2022 10:50	43.17	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather
CBLF-098	11/10/2022 13:32	25.01	Initial Monitoring
	--	--	First 10-Day Recheck Unable to Monitor Due to Weather
	--	--	Second 10-Day Recheck Unable to Monitor Due to Weather

41. According to 40 CFR 63.1958(g), 40 CFR 63.1960(c)(4)(ii) and (iii) and OAR 340-239-0600(1)(a)(B) and (C)(i), Respondent must take corrective actions such as cover maintenance or repair or well vacuum adjustments in response to an exceedance of the 500 ppm standard.

42. Similarly, according to OAR 340-239-0600(1)(b)(B) and (B)(i), Respondent must take corrective actions such as cover maintenance or repair or well vacuum adjustments in response to an exceedance of the 25 ppm integrated standard.

43. Under Division 239, the corrective actions described in Section II, Paragraphs 41-42 above, in response to both 500 ppm and 25 ppm exceedances must be documented and reported to DEQ semi-annually, including the "action taken to repair the leak" and "date of repair." OAR 340-239-0700(3)(C)(A).

44. Respondent's semi-annual reports submitted to DEQ for SEM events between 2022 and Q2 2025 do not include the level of specificity required in OAR 340-239-0700(3)(C)(A). Instead, Respondent's SEM reports make a general statement that a follow up monitoring event "indicated that all areas had returned to compliance following system adjustments and remediation by SCS

[Respondent's SEM contractor] and site personnel." These reports do not include the action taken to repair the leak or the date of repair for each corrective action taken at each location.

45. In its Q3 2025 SEM report to DEQ, Respondent began including corrective actions information, as required by OAR 340-239-0700(3)(C)(A).

46. According to 40 CFR 63.1960(c)(4)(v) and OAR 340-239-0600(1)(a)(C)(iv), for any location where the methane concentration exceeds 500 ppm three times within a quarterly period, a new well or other collection device must be installed within 120 days of the initial exceedance, unless another remedy or timeline is approved by DEQ.[3]

47. Similarly, according to OAR 340-239-0600(1)(b)(B)(ii), if there are three repeated exceedances of 25 ppm, Respondent must install a new or replacement well to achieve compliance no later than 120 days after detecting the third exceedance.

48. The installation date and location of each well installed as part of a gas collection system expansion triggered by the requirements described in Section II, Paragraphs 46-47 above, must be reported semi-annually to DEQ. 40 CFR 63.1981(h)(6); OAR 340-239-0700(3)(c)(A).

49. Respondent has reported new well installations in its semi-annual reports submitted to DEQ. To better understand the location of the installed wells and how they correspond to the exceedances of standards documented during SEM events, in a Pre-Enforcement Notice dated November 6, 2025 (Nov. 2025 PEN), DEQ requested additional information about the location of the installed wells. On December 11, 2025, Respondent submitted the requested information to DEQ, including a map of the installed wells and the dates of installation.

50. Between 2022 and 2025, Respondent installed dozens of new wells at the Landfill. However, in many instances, Respondent did not install new wells at or near the locations where three 500 ppm exceedances had occurred. For example, all of the exceedances of 500 ppm that were repeated three times during Q4 2023 and Q1 2024 occurred in Cells 2, 3, and 4.[4] In Respondent's December 11,

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[3] OAR 340-239-0600(1)(a)(C)(iii) requires that the new or replacement well be installed 120 days after detecting the third exceedance. DEQ is therefore enforcing based on this later deadline.

[4] More specifically, in Q4 2023, there were two locations at the Landfill where Respondent measured three exceedances of 500 ppm methane: 2V000089 and 4V000055. In Q1 2024, there were eight locations at the

2025 submittal to DEQ, Respondent did not identify any new wells installed by the 120 deadline (March 20, 2024, for the Q4 2023 exceedances and July 24, 2024, for the Q1 2024 exceedances) in Cells 2, 3 or 4, and instead stated that it had installed 17 new horizontal collectors at the northern edge of Cell 5 on March 29, 2024.[5]

51. In total, DEQ has determined that between 2022 and 2025, there were 24 occurrences where Respondent failed to install new wells in response to three monitored exceedances of the 500 ppm standard, within 120 days of the third 500 ppm exceedance. These failures to install new wells were in response to a third exceedance of 500 ppm methane in Q4 2023 (2 locations), Q1 2024 (8 locations), Q2 2024 (3 locations), and Q2 2025 (11 locations).[6]

52. Similarly, Respondent has failed to install new wells in response to three exceedances of the 25 ppm integrated standard. Many of the wells that Respondent claims to have installed in response to these exceedances are not in the same grid where the exceedance occurred. Importantly, as described above in Section II, Paragraph 25-26, Respondent did not conduct SEM at all in Cell 5 until Q2 2025. However, Respondent claims that wells installed in Cell 5 in March 2023, September 2023, and March 2024 are responsive to three exceedances of the 25 ppm integrated standard detected during SEM events conducted in other landfill cells. In addition, Respondent claims that wells installed in Cell 2 and Cell 5 on September 19 and 20, 2023, are responsive to SEM conducted during that same month. But according to Respondent's SEM reports, the third exceedance of the 25 ppm integrated standard (in grids CBLF-43, CBLF-44, and CBLF-71) was not recorded until September 29, 2023. Wells installed prior to the third monitored exceedance are not responsive to that exceedance.

Landfill where Respondent measured three exceedances of 500 ppm methane: the same two locations from Q4 2023, plus 3A0V0078, 3V000100, 2H000086, 2V00100S, 2H000101, and 3ARC0074. DEQ understands Respondent's nomenclature to include the cell number and an indicator of whether the location is a vertical (V) well or or horizontal collector (H). For example, 2V000089 is vertical well number 89 in Cell 2.

[5] Respondent's December 11, 2025 submittal to DEQ stated that it installed 5H000071 through 5H000087 in response to the Q4 2023 and Q1 2024 exceedances.

[6] According to Respondent's 2021 Design Plan, the radius of influence for vertical wells at the Landfill ranges between 72 to 120 feet, which translates to a spacing between wells ranging between 150 and 200 feet apart. Therefore, DEQ has conservatively assumed that new wells must be installed within at least 200 feet of the location of a third monitored exceedance to address compliance issues at a given location.

53. In total, DEQ has determined that between 2022 and 2025, there were 19 occurrences where Respondent failed to install new wells in response to three monitored exceedances of the 25 ppm integrated standard, within 120 days of the third 25 ppm ppm exceedance. These failures to install new wells were in response to a third exceedance of 25 ppm integrated in Q1 2023 (11 grids), Q2 2023 (3 grids), Q4 2023 (1 grid), and Q3 2025 (4 grids).

Gas Collection and Control System

54. According to 40 CFR 63.1959(b)(2)(ii)(B)(i), Respondent's gas collection and control system for the Landfill must be designed to handle the maximum expected gas generation flow rate from the entire area of the Landfill that warrants control over the intended use period of the gas control system equipment. The maximum expected gas generation flow rate must be calculated according to the equations in 40 CFR 63.1960(a)(1), unless another method has been approved by EPA or DEQ.

55. Neither EPA nor DEQ have approved another method for calculating the maximum expected gas generation flow rate from the Landfill.

56. Consistent with the federal requirement, Oregon's Division 239 landfill gas rules at OAR 340-239-0110(1)(c)(C), require that the design plan for the Landfill must demonstrate that the gas collection and control system is designed to handle the maximum expected gas generation flow rate from the entire area of the Landfill that warrants control over the intended use period of the gas control system equipment. The Division 239 rules point to the same maximum expected gas generation flow rate calculation in 40 CFR 63.1960(a)(1). *See* OAR 340-239-0110(1)(c)(C); OAR 340-239-0800(5).

57. According to 40 CFR 63.1960(a)(1)(ii), the maximum expected gas generation flow rate calculation for sites with a known year-to-year solid waste acceptance rate must be calculated according to Equation 6 as follows:

$$Qm = \sum_{i=1}^{n} 2kL_oM_i(e^{-kti}) \text{ (Eq. 6)}$$

Where:

Qm = Maximum expected gas generation flow rate, m^3/yr.

k = Methane generation rate constant, $year^{-1}$.

L_o = Methane generation potential, m^3/Mg solid waste.

M_i = Mass of solid waste in the ith section, Mg.

t_i = Age of the ith section, years.

58. According to 40 CFR 63.1960(a)(1), "[t]he methane generation rate constant (k) and methane generation potential (Lo) kinetic factors should be those published in the most recent *Compilation of Air Pollutant Emission Factors* (AP-42) or other site-specific values demonstrated to be appropriate and approved by the Administrator. If k has been determined as specified in § 63.1959(a)(4) [Tier 3 methane generation rate testing], the value of k determined from the test must be used. A value of no more than 15 years must be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure."

59. EPA's Landfill Gas Emissions Model (LandGEM) may be used to perform the calculations described in Section II, Paragraphs 54-58, above, so long as the LandGEM runs used to determine gas collection and control system design and sizing are consistent with rule requirements.

60. In December 2021, Respondent submitted an amended Design Plan for the Coffin Butte landfill to DEQ (2021 Design Plan).

61. The 2021 Design Plan included calculations used by Respondent to determine the design and sizing of the installed gas collection and control system at the Landfill.

62. The 2021 Design Plan used LandGEM version 3.02, which was the most recent version of the model available at the time.

63. The calculations in the 2021 Design Plan deviated from the maximum expected gas generation flow rate calculation required under 40 CFR 63.1960(a)(1) as follows:

a. The 2021 Design Plan used separate LandGEM runs for various types of solid waste (special waste, organic waste, construction and demolition waste, and municipal solid waste) rather than a single calculation for the total mass of solid waste in the Landfill.

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b. The 2021 Design Plan assumed a waste acceptance rate of 800,000 tons per year from 2020 onward. The actual waste acceptance rate at the Landfill before and after 2020, minus asbestos waste,[7] exceeded 800,000 tons per year as follows:

Year	Waste accepted at Landfill (tons)
2017	939,444
2018	1,008,745
2019	1,031,419
2020	858,130
2021	1,043,834
2022	1,112,498
2023	1,106,632
2024	1,135,115
2025	1,045,812

c. Regarding the methane generation constant (k):

i. The 2021 Design Plan calculations used a k value for the various LandGEM model runs as follows:

Waste Type	k value used in Respondent's LandGEM runs
Special waste	0.03
Organic waste	0.05
Construction and demolition waste	0.03
Municipal solid waste	0.04

ii. The published value for k in the AP-42 as of December 2021 was 0.04/yr, for areas receiving 25 inches or more of rain per year. The Landfill location receives 25 inches of rain or more per year.

iii. Respondent has not conducted Tier 3 methane generation rate testing at the Landfill.

iv. Neither EPA nor DEQ have approved a different k value for the Landfill.

d. Regarding the methane generation potential (Lo):

[7] The waste accepted values in this table were provided to DEQ by Respondent in its LandGEM runs for the Permit renewal. DEQ understands these values to be the total amount of waste landfilled, minus asbestos waste, which may be excluded from the calculation used to determine sizing of the system, because it does not require collection. *See* 40 CFR 63.1962(3)(i). The Landfill has a separate, segregated cell for asbestos waste.

i. The 2021 Design Plan calculations used a Lo value for the various LandGEM model runs as follows:

Waste Type	Lo value used in Respondent's LandGEM runs (m^3/Mg)
Special waste	20
Organic waste	130
Construction and demolition waste	20
Municipal solid waste	110

ii. The published value for Lo in the AP-42 as of December 2021 was 100 m^3/Mg solid waste.

iii. Neither EPA nor DEQ have approved a different Lo value for the Landfill.

e. The 2021 Design Plan assumes a 75% collection efficiency for the design and sizing of the gas collection and control system for the Landfill. The maximum expected gas generation flow rate calculation required under 40 CFR 63.1960(a)(1) includes no such assumption; rather, it requires gas collection and control system design and sizing for 100% of the maximum expected gas generation flow rate.

64. The Table below describes the Respondent's 2021 Design Plan calculations, using version 3.02 of the LandGEM model, as described in Section II, Paragraphs 61-63, above, versus DEQ's calculations according to 40 CFR 63.1960(a)(1), also using version 3.02 of the LandGEM model:

Year	Respondent's 2021 Design Plan calculations		DEQ's calculations according to 40 CFR 63.1960(a)(1)
	Total landfill gas generated[8]	Total landfill gas collected, applying 75% collection efficiency[9]	Total landfill gas generated
	Cubic feet per minute (cfm)	Cubic feet per minute (cfm)	Cubic feet per minute (cfm)
2021	4,209	3,157	4,635
2022	4,381	3,286	4,954
2023	4,547	3,410	5,294
2024	4,706	3,530	5,618
2025	4,858	3,644	5,942
2026	5,004	3,753	6,211

[8] 2021 Design Plan, p. 98.
[9] 2021 Design Plan, p. 17.

2027	5,145	3,859	6,686
2028	5,279	3,959	7,142
2029	5,409	4,057	7,581
2030	5,533	4,150	8,002

65. Based on Respondent's calculations, described in Section II, Paragraphs 61-64, above, the 2021 Design Plan described the then-existing landfill gas controls with a total combustion capacity of 4,915 cfm as follows:

a. Five engines with a total combustion capacity of 1,915 cfm, owned and operated by Pacific Northwest Generating Cooperative (PNGC), an electric generation plant adjacent to the Landfill; and

b. Two flares with a total combustion capacity of 3,000 cfm, owned and operated by Respondent.

66. Respondent's 2021 Design Plan anticipated the installation of a new enclosed flare, and indicated that the flare system would need to be increased in size as early as 2022 to handle the amount of landfill gas projected to be generated by the Landfill, even with an assumption of 75% collection efficiency:

> In 2036 the projected LFG Collected at the enclosed flare assuming a 75% collection efficiency is 4366 scfm.[10] This is well over the 3,000 scfm capacity of the current blower/flare skid excluding the utilization of the PNGC LFGTE plant. The LFG collected at the skid is expected to reach over 3,000 scfm in 2022. If the actual collected LFG matches the LandGEM projections, the flare system will need to be resized before this point.[11]

67. Respondent did not resize the flare system or otherwise expand the controls used to combust gas from the Landfill until August 2024.

68. In August 2024, to comply with Division 239 requirements, Respondent completed construction of a new enclosed flare that replaced the two flares described in Section II, Paragraph 65.b, above.

69. The new enclosed flare has a combustion capacity of 3,390 cfm, making the total capacity of the controls receiving gas from the Landfill 5,305 cfm as of August 2024.

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[10] DEQ believes 4366 cfm is a typo in the 2021 Design Plan. 75% of 6,181 cfm, per Respondent's LandGEM results on p. 98 of the 2021 Design Plan is 4,636 cfm.

[11] 2021 Design Plan, p. 17.

70. When modifying the gas collection and control system for the Landfill to meet the requirements of Division 239, OAR 340-239-0110(1)(b) requires Respondent to submit an updated design plan to DEQ that includes any necessary updates or addenda, in accordance with OAR 340-239-0700(3)(j).

71. When Respondent modified the gas collection and control system for the Landfill to install the new enclosed flare, Respondent did not submit an amended design plan to DEQ.

72. As of the date of this Notice, Respondent has not submitted any amendments to the 2021 Design Plan to DEQ.

73. As of the date of this Notice, the total capacity of the controls receiving gas from the Landfill (the PNGC engines and the enclosed flare) is 5,305 cfm.

74. The Table below illustrates the under-design of the controls that Respondent installed and operated at the Landfill, as compared to the design capacity required in 40 CFR 63.1960(a):

Year	**DEQ's calculations according to 40 CFR 63.1960(a)(1) (cfm)**	**Control equipment capacity installed (cfm)**
2021	4,635	4,915
2022	4,954	4,915
2023	5,294	4,915
2024	5,618	5,305 (as of Aug. 2024)
2025	5,942	5,305
2026	6,211	5,305
2027	6,686	5,305

75. According to 40 CFR 63.1955(c), Respondent must operate and maintain the affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices.

76. According to 40 CFR 63.1958(f), Respondent must operate the control system at all times when the collected gas is routed to the system.

77. According to 40 CFR 63.1959(b)(2)(ii), Respondent must operate a collection and control system that captures the gas generated by the Landfill as required by paragraphs (b)(2)(ii)(B) and (b)(2)(iii).

78. According to 40 CFR 63.1959(b)(2)(iii), Respondent must route all collected gas to a

control system that complies with the requirements in either paragraph (b)(2)(iii)(A) [a non-enclosed flare], (B) [a control system designed to achieve 98 percent NMOC reduction efficiency, including enclosed flares], or (C) [a treatment system].

79. According to 40 CFR 63.1930(b), the requirements of Subpart AAAA, described in Section II, Paragraphs 75-78, above, apply at all times, including during periods of startup, shutdown and malfunction.

80. According to OAR 340-239-0110(2)(a)(A), Respondent must route all collected gas to a gas control device or devices[12] and operate the gas collection and control system continuously except as provided in section (4) [during well raising] or (5) [during temporary shutdown for repairs] of the rule.

81. According to 40 CFR 63.1958(e)(1) and OAR 340-239-0110(2)(a)(E) and (F), in the event the collection or control system is not operating: the gas mover system must be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one hour of the collection or control system not operating; and efforts to repair collection or control system must be initiated and completed in a manner such that downtime is kept to a minimum, and the collection and control system must be returned to operation.

82. According to 40 CFR 63.1981(h)(3) and OAR 340-239-0700(3)(c)(F) Respondent must include in its semi-annual reports to DEQ "description and duration of all periods when the control device or treatment system was not operating and length of time the control device or treatment system was not operating."

83. According to 40 CFR 63.1981(h)(4) and OAR 340-239-0700(3)(G), Respondent must include in its semi-annual reports to DEQ "all periods when the collection system is not operating."

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[12] According to OAR 340-239-0015(13), "gas control device" means any device used to dispose of or treat collected landfill gas, including, but not limited to enclosed flares, internal combustion engines, boilers and boiler-to-steam turbine systems, fuel cells and gas turbines.

84. For 2022 through 2025, Respondent reported downtime for its gas collection and control system to DEQ as follows:

Semi-annual period	Flare 1 (removed August 2024) (hh:mm:ss)	Flare 2 (removed August 2024) (hh:mm:ss)	Enclosed Flare (installed Aug 2024) (hh:mm:ss)	PNGC Engines (hh:mm:ss)	Collection System (hh:mm:ss)
Jan-June 2022	1618:52:00	6:18:00	-	3:30:00	1:30:00
July-Dec 2022	513:52:00	40:08:00	-	4:00:00	0:34:00
Jan-June 2023	54:50:00	494:02:00	-	8:30:00	2:08:00
July-Dec 2023	121:52:00	286:47:00	-	4:00:00	1:09:00
Jan-June 2024	1140:32:00	455:48:00	-	7:30:00	0:00:00
July-Dec 2024	512:22:11	18:36:00	91:48:00	167:00:00	13:12:00
Jan-June 2025	-	-	360:48:35	24:45:00	17:20:00
July-Dec 2025	-	-	230:27:27	37:45:00	18:01:00
Total (2022-2025)	**3962:20:11**	**1301:39:00**	**683:04:02**	**257:00:00**	**53:54:00**
Total (converted to days)	**165**	**54**	**28**	**11**	**2**

85. For January 2022-August 2024, Respondent reported the following downtime events for flare #1 that exceeded 24 hours per event:

Shutdown Date/Time	Startup Date/Time	Duration (h:mm:ss)	Description
4/6/2022 19:46	4/13/2022 16:30	164:44:00	LFG diverted to PNGC
4/13/2022 20:42	4/14/2022 21:36	24:54:00	LFG diverted to PNGC
4/22/2022 9:22	4/27/2022 9:14	119:52:00	LFG diverted to PNGC
4/27/2022 12:32	5/1/2022 19:36	103:04:00	LFG diverted to PNGC
5/1/2022 22:56	5/4/2022 11:58	61:02:00	LFG diverted to PNGC
5/4/2022 12:28	5/7/202218:18	77:50:00	LFG diverted to PNGC
5/7/2022 19:20	5/12/2022 8:26	109:06:00	LFG diverted to PNGC
5/12/2022 9:00	5/19/2022 9:38	168:38:00	LFG diverted to PNGC
5/19/2022 11:22	6/6/2022 8:16	428:54:00	LFG diverted to PNGC
6/16/2022 22:34	6/22/2022 8:34	130:00:00	LFG diverted to PNGC
6/22/2022 21:28	6/30/2022 4:12	174:44:00	PLC shutdown the flare
7/5/2022 8:36	7/6/2022 10:20	25:44:00	LFG diverted to PNGC
7/6/2022 18:28	7/14/2022 2:16	175:48:00	LFG diverted to PNGC
8/1/2022 0:00	8/3/2022 6:42	54:42:00	LFG diverted to PNGC
8/3/2022 10:44	8/5/2022 8:10	45:26:00	LFG diverted to PNGC
8/5/2022 9:16	8/11/2022 15:38	150:22:00	LFG diverted to PNGC
3/8/2023 15:32	3/10/2023 8:28	40:56:00	LFG diverted to PNGC
5/16/2024 11:00	5/29/2024 11:54	312:54:00	LFG diverted to PNGC and sump cleaning
5/30/2024 15:38	7/9/2024 16:28	960:50:00	LFG diverted to PNGC

7/10/2024 21:42	7/11/2024 22:36	24:54:00	LFG diverted to PNGC
7/22/2024 8:24	7/23/2024 16:00	31:36:00	LFG diverted to PNGC
7/24/2024 16:18	7/29/2024 7:22	111:04:00	LFG diverted to PNGC

86. For January 2022-August 2024, Respondent reported the following downtime events for flare #2 that exceeded 24 hours per event:

Shutdown Date/Time	Startup Date/Time	Duration (h:mm:ss)	Description
2/21/2023 14:28	3/8/2023 15:36	361:08:00	LFG diverted to PNGC Sump cleaning
6/7/2023 22:48	6/13/2023 7:50	129:02:00	LFG diverted to PNGC
12/20/2023 13:32	12/22/2023 11:18	45:46:00	LFG diverted to PNGC
12/22/2023 11:58	1/4/2024 10:10	310:12:00	LFG diverted to PNGC
1/4/2024 10:54	1/19/2024 7:36	356:42:00	LFG diverted to PNGC

87. For August 2024-December 2025, Respondent reported the following downtime events for the enclosed flare that exceeded 24 hours per event:

Shutdown Date/Time	Startup Date/Time	Duration (h:mm:ss)	Description
8/12/2024 22:36	8/14/2024 0:16	25:40:00	LFG diverted to PNGC
2/8/2025 8:18	2/11/2025 10:56	74:38:00	PCL shutdown flare
2/11/2025 12:16	2/12/2025 15:36	27:20:00	PCL shutdown flare
2/12/2025 17:20	2/14/2025 14:04	44:44:00	PCL shutdown flare
3/15/2025 23:48	3/17/2025 11:12	35:24:00	Flare shutdown due to liquid in gas header
4/6/2025 9:12	4/7/2025 10:55	25:43:00	Flare shutdown due to louver tuning error
6/8/2025 12:19	6/9/2025 12:47	24:28:00	Flare shutdown for re-programming
8/18/2025 2:40	8/26/2025 2:14	191:34:00	Flare shutdown to replace the PLC panel

88. The PNGC engines have a capacity to handle 1,915 cfm of landfill gas, which was 39% of the maximum expected gas generation flow rate (as calculated by DEQ) from the Landfill in 2022, and 32% in 2025. Therefore, the ongoing operation of the flares had a critical role in controlling gas from the Landfill, and Respondent was not effectively capturing and controlling the gas from the Landfill during the extended periods when the flares were down, as described in Section II, Paragraphs 84-87, above.[13]

[13] Flare 1 had a capacity of 2,000 cfm and Flare 2 had a capacity of 1,000 cfm. Thus, even with the operation of the PNGC engines and one of the two flares, with one of those flares down for an extended time period, Respondent's controls would be unable to effectively control the maximum expected gas generation flow rate.

89. Currently, when the enclosed flare is down, Respondent does not have an alternative control system available to direct landfill gas to, except for the 1,915 cfm of capacity that the PNGC engines provide.

90. Based on the significant amount of downtime that Respondent had reported for its flares, in the Nov. 2025 PEN, DEQ requested that Respondent submit to DEQ by January 1, 2026, an operations and maintenance plan for the enclosed flare to ensure compliance with 40 CFR 63.1955(f), 40 CFR 63.1955(c), and OAR 340-239-0110(2)(a)(A).

91. On December 30, 2025, Respondent submitted to DEQ a quarterly maintenance form for the enclosed flare.

92. A quarterly maintenance form is not an operations and maintenance plan. An operations and maintenance plan is a comprehensive, formal document that describes monitoring parameters, procedures for monitoring and recordkeeping, a preventative maintenance schedule, staff training, and what corrective actions will be taken in the event of a malfunction.

93. Prior to combustion in the PNGC engines, the gas is directed to a "treatment system" as defined in 40 CFR 63.1990, that filters, de-waters, and compresses landfill gas for sale or beneficial use.

94. According to 40 CFR 63.1983(b)(5)(ii) and OAR 340-239-0110(2)(d)(C), Respondent must prepare a site-specific treatment monitoring plan which includes:

(A) Monitoring records of parameters that are identified in the treatment system monitoring plan and that ensure the treatment system is operating properly for each intended end use of the treated landfill gas. At a minimum, records should include records of filtration, dewatering, and compression parameters that ensure the treatment system is operating properly for each intended end use of the treated landfill gas.

(B) Monitoring methods, frequencies, and operating ranges for each monitored operating parameter based on manufacturer's recommendations or engineering analysis for each intended end use of the treated landfill gas.

(C) Documentation of the monitoring methods and ranges, along with justification for their use.

(D) List of responsible staff (by job title) for data collection.

(E) Processes and methods used to collect the necessary data.

(F) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems (CMS).

95. In January 2026, DEQ requested a copy of Respondent's site-specific treatment monitoring plan used to comply with 40 CFR 63.1983(b)(5)(ii) along with 2025 monitoring records of parameters that are identified in the treatment system monitoring plan.

96. In January 2026, Respondent submitted to DEQ a Site-Specific Treatment System Monitoring Plan, dated August 2022 (Treatment System Monitoring Plan) and 2025 monitoring records.

97. Respondent's Treatment System Monitoring Plan does not include monitoring parameters for dewatering.

98. Respondent's Treatment System Monitoring Plan includes operating ranges for differential pressure, measured twice per month in pounds per square inch (psi), at the following equipment: coalescing filter / water knockout #1 (0.0-4.1 psi), gas blower (1-5 psi), coalescing filter / water knockout #2 (0.0-4.0 psi), and coalescing filter / water knockout #3 (one per engine, 0.0-4.0 psi).

99. Some pressure measurements are taken in inches of water and some are taken in psi.

100. The Treatment System Monitoring Plan states that the operating ranges described in Section II, Paragraph 98, above, are based on "operational experience" and "manufacturer recommendation" without further justification.

101. The 2025 monitoring records submitted to DEQ in January 2026 show that the coalescing filter / water knockout #1 measured 5.8 psi on September 16, 2025, and 5.0 psi on September 29, 2025, outside the 0.0-4.0 psi range.

102. According to 40 CFR 63.1981(h)(1)(iii) and OAR 340-239-0700(3)(c)(D)(ii), Respondent's semi-annual report to DEQ must include the number of times the parameters for the site-

specific treatment system were exceeded.

103. In Respondent's semi-annual report submitted to DEQ for the second half of 2025, Respondent reported that "During this reporting period there were no parameter exceedances of the Treatment Monitoring Plan."

104. According to 40 CFR 63.1961(a) and OAR 340-239-0110(3), Respondent is required to conduct monthly monitoring at each wellhead that is part of the Landfill's collection system, for gauge pressure, temperature, nitrogen and oxygen. These parameters help indicate the performance of the well and may require corrective action.

105. During the first half of 2025, Respondent failed to monitor eight wellheads on a total of sixteen occassions as follows: 2V000089: March 2025 – May 2025; 2V000090: March 2025 – May 2025; 2V000114: March 2025 – May 2025; 3ARC0D26: January 2025; 5V000086: March 2025 – May 2025; 5V000087: May 2025; 5V000093: March 2025; 5V000094: March 2025.

106. During the second half of 2025, Respondent failed to monitor ten wellheads on a total of eleven occasions as follows: 2V000114: July 2025 – August 2025; 3ARC0D26: July 2025; 5H000073: July 2025; 3H000090: July 2025; 3V000087: July 2025; 3V000091: July 2025; 3V000098: July 2025; 3V000099: July 2025; 5V000082: July 2025; 5V000087: July 2025.

107. Respondent stated in its semi-annual reports to DEQ that the failure to monitor the wells, as described in Section II, Paragraphs 105-106, above, was due to safety concerns. In one of its reports, Respondent stated "In accordance with the Oregon Department of Environmental Quality's (DEQ) September 2, 2020, approval of the Alternative Monitoring Plan, VLF may exempt raised gas wells from monthly monitoring when necessary for safety."

108. The Alternative Monitoring Plan referenced by Respondent as described in Section II, Paragraph 107, above was approved by DEQ in September 2020, under 40 CFR part 60, subpart WWW, and resubmitted to DEQ as part of Respondent's 2021 Design Plan. The September 2020 DEQ approval for alternative wellhead monitoring states: "The facility may exempt raised gas wells from monthly monitoring for safety reasons. However, the facility must request for exemptions to DEQ in writing and must be approved in advance. The request must include detailed explanation of why the

wells cannot be monitored and how long will monitoring be postponed. The exemption may not be allowed more than two consecutive monitoring months."

109. Respondent did not submit a request for exemption to not monitor the wellheads as required in the approved Alternative Monitoring Plan, and DEQ did not approve such an exemption.

Landfill Cover Integrity

110. Respondent uses soil as interim cover in areas where waste has been placed but is not at final grade. Some areas are also covered on an interim basis with plastic to reduce leachate generation. The plastic cover material used by Respondent is either Ethylene Propylene Diene Monomer (EPDM) or Grifflin, a tarp-like material.

111. Respondent has placed final cover in several cells (or portions of cells) in the southern portion of the landfill where waste is no longer being added.

112. Landfill cover integrity is necessary to minimize surface emissions of landfill gas and to ensure efficient extraction of gas through the Landfill's gas collection and control system.

113. According to 40 CFR 63.1960(c)(5) and OAR 340-239-0600(4), Respondent must implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

114. Condition 37.a of the Permit requires Respondent to report to DEQ monthly on cover integrity monitoring results and make repairs, if necessary.

115. According to OAR 340-239-0100(4) and OAR 340-239-0700(f), Respondent was required to submit a Methane Generation Report to DEQ by October 1, 2022, and annually thereafter by March 15. According to OAR 340-239-0700(f)(D), the Methane Generation Reports must include the results of a visual inspection of the landfill cover and any actions done to fix leaks and minimize releases.

116. From January 2021 through December 2025, Respondent has consistently reported to DEQ that it conducted monthly inspections of the landfill cover, with "no issues" or "no holes" found during the inspections, with the exception of a single report for September 2024 that stated, "Need to cover flagging on South side of road leading into the Piggy Back area. Extra soil is being placed

today."

117. Respondent included monthly cover integrity monitoring results in its Methane Generation Report submitted ot DEQ on September 29, 2022, reporting that there were "No issues identified" and "No actions needed" for each month of 2021.

118. During EPA's June 2022 inpection of the Landfill, the EPA inspector identified numerous locations where there were holes or other defects in the plastic covering on the Landfill. These issues were documented in the EPA inspection report photo log and the associated photos. EPA's June 2022 inspection report was sent to Respondent.

119. During EPA's June 2024 inspection of the Landfill, EPA and DEQ inspectors observed many holes in the landfill cover and a significant number of trees growing through the plastic cover. The EPA inspection report states: "I noted that there were a number of plants growing out of the cover material at the top of the western side of the landfill in the area along the edge of Cell 3 and Cell 5. Some of the plants were between 1.5 to 3 feet tall."[14] EPA's June 2024 inspection report was sent to Respondent.

120. In the November 2025 PEN, DEQ requested that Respondent have a third party conduct a full inspection of the Landfill cover integrity, including documentation of the condition of the cover, recommended repairs, and recommendations for ongoing cover monitoring and maintenance.

121. On January 30, 2026, Respondent submitted a Report on the Inspection of Coffin Butte Landfill Cover Integrity (Cover Integrity Report) to DEQ, preapared by SCS Engineers (SCS).

122. The Cover Integrity Report described a site visit and cover evaluation conducted by SCS on January 19, 2026. During that inspection, SCS identified 30 out of the 130 Landfill grid areas where maintenance was recommended on the Landfill cover. The areas requiring cover repair included vegetation growing through the plastic cover, areas around landfill gas wells in need of repair, other holes in the plastic cover and trash emerging or "flagging" from the soil cover.

123. The Cover Integrity Report recommended completing repairs in the 30 grid areas where cover integrity issues had been identified.

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[14] EPA 2024 Inspection Report, p. 9; see also EPA 2024 Inspection Report photo log.

Plant Site Emission Limit

124. Condition 19 of the Permit states that "The plant site emissions must not exceed the following limits for any 12 consecutive calendar month period."

125. The Plant Site Emission Limit (PSEL) for Non-Methane Organic Compounds (NMOC) in Condition 19 of the Permit is 49 tons per year.

126. The NMOC PSEL described in Section II, Paragraph 125 above, was set in 2009 in the last renewal of the Permit to the generic PSEL of 49 tons NMOC, to accommodate projected landfill gas emissions over the five-year Permit term.

127. Condition 19.a of the Permit states that "The PSEL is based on the actual predicted emissions for the current operating conditions at the facility. A permit modification is required before the PSEL may be increased."

128. Conditions 20 and 21 of the Permit describe the parameters that Respondent must monitor and record, and the methods for determining compliance with the PSELs.

129. In February 2023, Respondent submitted a significant permit modification application to DEQ to increase the NMOC PSEL in the Permit.

130. As of the date of this Notice, Respondent's significant permit modification application described in Section II, Paragraph 129, above, is pending with DEQ and DEQ intends to process the modification with the renewal of the Permit.

131. According to Respondent's calculations under Conditions 20 and 21 of the Permit, NMOC emissions from the Landfill exceeded the 49 ton per year NMOC PSEL from August 2024 (September 1, 2023 – August 31, 2024) to January 2026 (February 1, 2025 – January 31, 2026) as follows:

Month	NMOC emissions (tons)
Aug-24	51
Sep-24	53
Oct-24	54
Nov-24	55
Dec-24	56
Jan-25	57
Feb-25	60
Mar-25	61

Apr-25	62
May-25	61
Jun-25	60
Jul-25	59
Aug-25	59
Sep-25	57
Oct-25	56
Nov-25	56
Dec-25	57
Jan-26	57

Fugitive Emissions

132. Condition 4 of the Permit states that Respondent "must not allow or permit any materials to be handled, transported, or stored … or any equipment to be operated, without taking reasonable precautions to prevent particulate matter from becoming airborne."

133. On at least the following dates, Respondent's tipping operations caused large plumes of particulate matter to become airborne: January 31, 2022, July 25, 2024, July 17, 2025, July 25, 2025, and July 26, 2025.

134. In the November 2025 PEN, DEQ requested that Respondent submit to DEQ an evaluation and plan for controlling fugitive emissions generated by Respondent's tipping operations.

135. In January 2026, Respondent's consultant conducted 193 visual emissions observations of the tipping area at the Landfill over a four day period using EPA Method 22, and observed visible dust during 59 of the 193 observations. More dust was observed on the two days characterized by drier and more clear sky conditions. The report stated that "[t]here was no apparent relationship between the load type and the presence/absence of visible emissions," but did not include data on load type.

136. The consultant's recommendations to evaluate and minimize visible emissions from tipping operations were to: continue Method 22 observations at the property boundary, as required by the Permit, to conduct quarterly Method 22 evlauations at the tipping site, and to apply those observations to identify the main companies with loads contributing to visible dust and "reach out to collaborate on ways to reduce potential visible emissions during refu[s]e deposition."

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III. CONCLUSIONS

Surface Emissions Monitoring & Compliance Standards

1. From Q3 2022 through Q4 2025, Respondent violated 40 CFR 63.1958(d), 40 CFR 63.1960(c), OAR 340-239-0600(1) and OAR 340-239-0800(3) by failing to conduct required quarterly SEM by improperly excluding large areas of the Landfill from SEM, as described in Section II, Paragraphs 5-33, above. During Q3 2022, Q4 2022, Q2 2023, Q3 2024, Q4 2024, Q1 2025 and Q2 2025, Respondent failed to monitor significant areas of the Landfill where waste had been placed, improperly claiming an exemption for overgrown or high vegetation. During Q3 2024 through Q4 2025, Respondent failed to monitor significant areas of the Landfill where waste had been placed, based on an unsubstantiated justification of steep slopes / health and safety. During Q3 2024 through Q2 2025, Respondent exempted "Active" areas from monitoring, including areas where interim cover had been placed. The areas exempted from SEM by Respondent as "Active" exceed the definition of the "working face" in OAR 340-239-0015(41), which means "the open area where solid waste is deposited daily and compacted by landfill equipment." In Q1 2023, Q3 2023, Q4 2023, Q1 2024, Q2 2024, Respondent excluded large areas of the Landfill from SEM—sometimes more than half of the total number of 50,000 square foot SEM grids—as "Exempt" with no further justification for the exemption. Based on all of these claimed SEM exemptions, from Q3 2022 through Q4 2025, Respondent failed to conduct SEM in large portions of the Landfill each calendar quarter. In addition, Respondent did not consistently conduct SEM with 25-foot spacing as required by OAR 340-239-0800(3)(a)(B). As a result of inadequate SEM, Respondent detected significantly fewer exceedances of the 500 ppm methane standard in its own SEM inspections as compared to EPA SEM inspections in June 2022 and June 2024, as described in Section II, Paragraphs 27-33. These are Class I violations, according to OAR 340-012-0054(1)(p) and OAR 340-012-0054(1)(tt). DEQ hereby assesses a $394,427 civil penalty for these violations.

2. Respondent failed to conduct SEM in Cells 5B, 5C, 5D or 5E during Q1 2022 through Q1 2025, in violation of OAR 340-239-0600(1), as described in Section II, Paragraphs 24-25, above. Specifically, according to OAR 340-239-0600(1), "[t]he owner or operator of a landfill with a gas

collection and control system must conduct quarterly instantaneous and integrated surface monitoring of the landfill surface using the procedures specified in OAR 340-239-0800(3)." The "landfill surface means "the area of the landfill under which decomposable solid waste has been placed, excluding the working face." OAR 340-239-0015(23). The "working face" means "the open area where solid waste is deposited daily and compacted by landfill equipment." OAR 340-239-0015(41). Therefore, Respondent was required to conduct SEM in Cells 5B, 5C, 5D and 5E once waste was placed in those cells (in 2018, 2022, 2022 and 2023, respectively), except to the extent that parts of those cells were part of the "working face" of the Landfill, as defined in Division 239, during a SEM event. These are Class I violations, according to OAR 340-012-0054(1)(tt). DEQ has not assessed a civil penalty for these violations.

3. Respondent violated the 500 ppm methane standard in 40 CFR 63.1958(d)(1) and OAR 340-239-0200(1)(a) by failing to remonitor and failing to take required corrective actions, as described in Section II, Paragraphs 34-53, above. Specifically, Respondent failed to conduct the first or second rounds of 10-day remonitoring in response to thirty-one (31) 500 ppm exceedances in Q3 2022, as required by 40 CFR 63.1960(c)(4)(ii) and (iii) and OAR 340-239-0600(1)(a)(C). Respondent conducted 10-day remonitoring late at fourteen (14) locations in Q4 2022, and did not conduct one month follow up monitoring of the same 14 exceedances detected during that quarter. Finally, between 2022 and 2025, there were 24 occurrences where Respondent failed to install new wells in response to the third monitored exceedance of the 500 ppm standard, as required by 40 CFR 63.1960(c)(4)(v) and OAR 340-239-0600(1)(a)(iv). These are Class I violations, according to OAR 340-239-0054(1)(i) and OAR 340-012-0054(1)(ss). DEQ hereby assesses a $68,400 civil penalty for these violations.

4. Respondent violated the 25 ppm integrated standard in OAR 340-239-0200(1)(b) by failing to remonitor and failing to take required corrective actions, as described in Section II, Paragraphs 34-53, above. Specifically, in Q3 2022, Respondent failed to conduct the second round of 10-day remonitoring in 13 grids as required by OAR 340-239-0600(1)(b)(B)(i), and in Q4 2022, Respondent failed to conduct the first round of 10-day remonitoring in 23 grids, as required by OAR 340-239-0600(1)(b)(B). Finally, between 2022 and 2025, there were 18 occurrences where Respondent failed to

install new wells in response to the third monitored exceedance of the 25 ppm standard, as required by OAR 340-239-0600(1)(b)(ii). These are Class I violations, according to OAR 340-012-0054(1)(ss). DEQ hereby assesses a $904,615 civil penalty for these violations.

Gas Collection and Control System

5. From at least 2022 to the date of this Notice, Respondent violated 40 CFR 63.1959(b)(2)(ii)(B)(i) and OAR 340-239-0110(1)(c)(C) by failing to install and operate a gas collection and control system designed to handle the maximum expected gas generation flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment, as described in Section II, Paragraphs 57-74, above. This is a Class I violation, according to OAR 340-012-0054(1)(i) and OAR 340-012-0054(1)(pp). DEQ hereby assesses a $226,931 civil penalty for this violation.

6. Respondent violated OAR 340-239-0110(1)(b) by failing to submit an amended design plan to DEQ that includes any necessary updates or addenda, in accordance with OAR 340-239-0700(3)(j), as described in Section II, Paragraphs 70-72, above. Specifically, in August 2024, Respondent completed construction of a new enclosed flare to comply with Division 239 requirements. As of the date of this Notice, Respondent has not submitted an amended design plan to reflect the change in its landfill gas controls. This is a Class I violation according to OAR 340-012-0054(1)(oo). DEQ hereby assesses a $15,083 civil penalty for this violation.

7. Respondent violated 40 CFR 63.1955(c), 40 CFR 63.1958(e)(1), 40 CFR 63.1958(f), 40 CFR 63.1959(b)(2)(iii), OAR 340-239-0110(2)(a)(A) and OAR 340-239-0110(2)(a)(F) by failing to ensure that its control devices were consistently maintained and operational, as described in Section II, Paragraphs 75-92, above. Specifically, from January 2022 to August 2024, flare #1 was down for a total of 3,962 hours (which translates to 165 calendar days), with 22 separate downtime events exceeding 24 hours in length; flare #2 was down for a total of 1,301 hours (which translates to 54 calendar days), with 5 separate downtime events exceeding 24 hours in length. From August 2024 to December 2025, the enclosed flare was down for a total of 683 hours (which translates to 28 calendar days), with 8 separate downtime events exceeding 24 hours in length. As described above in Section II,

Paragraphs 84-89, Respondent was not effectively controlling gas generated by the Landfill during these extended periods of downtime. These are Class I violations according to OAR 340-012-0054(1)(i) and OAR 340-012-0054(1)(qq). DEQ hereby assesses a $1,200,683 civil penalty for these violations.

8. Respondent violated 40 CFR 63.1983(b)(5)(ii) and OAR 340-239-0110(2)(d)(C) by failing to prepare a site-specific treatment monitoring plan that includes monitoring parameters for dewatering and a justification for the pressure ranges included as parameters in the plan, as described in Section II, Paragraphs 93-100, above. This is a Class I violation according to OAR 340-012-0054(1)(p) and OAR 340-012-0054(1)(qq). DEQ hereby assesses a $9,600 civil penalty for this violation.

9. Respondent violated 40 CFR 63.1981(h)(1)(iii) and OAR 340-239-0700(3)(c)(D)(ii), by submitting an inaccurate semi-annual report, as described in Section II, Paragraphs 101-103, above. Specifically, Respondent did not report parameter excursions from its Treatment System Monitoring Plan that occurred in September 2025. This is a Class II violation according to OAR 340-012-0054(2)(g). DEQ has not assessed a civil penalty for this violation.

10. Respondent violated 40 CFR 63.1961(a) and OAR 340-239-0110(3) by failing to conduct monthly wellhead monitoring, as described above in Section II, Paragraphs 104-109, above. These are Class I violations according to OAR 340-012-0054(1)(p) and OAR 340-012-0054(1)(rr). DEQ hereby assesses a $10,200 civil penalty for these violations.

Landfill Cover Integrity

11. Respondent violated 40 CFR 63.1960(c)(5) and OAR 340-239-0600(4) by failing to implement a program to monitor landfill cover integrity and implement cover repairs as necessary on a monthly basis, as described in Section II, Paragraphs 110-123, above. Specifically, in June 2022 and June 2024, EPA inspectors observed and documented significant issues with the Landfill cover integrity that had not been repaired by Respondent. In January 2026, Respondent's consultants identified and documented 30 grid areas of the Landfill with cover integrity issues in need of repair. These are Class I violations according to OAR 340-012-0054(1)(i). DEQ hereby assesses a $135,789 civil penalty for these violations.

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12. Respondent violated Condition 37.a of the Permit and OAR 340-239-0700(f)(D) by submitting inaccurate cover integrity reports to DEQ, as described in Section II, Paragraphs 110-123, above. Despite significant issues with the integrity of the Landfill cover identified by EPA in June 2022 and June 2024, and Respondent's own consultants in January 2026, with the exception of a single report in September 2024, Respondent's monthly cover integrity inspection reports submitted to DEQ between January 2021 and December 2025, consistently stated that there were "no issues" or "no holes" in the cover and that no repairs were needed. This is a Class I violation according to OAR 340-0053(1)(b). DEQ hereby asseses a $50,400 civil penalty for these violations.

Plant Site Emission Limit

13. Respondent violated Condition 19 of the Permit by exceeding the NMOC Plant Site Emission Limit, as described in Section II, Paragraphs 124-136, above. These are Class I violations, according to OAR 340-012-0054(1)(g). DEQ has not assessed a civil penalty for these violations.

Fugitive Emissions

14. On at least January 31, 2022, July 25, 2024, July 17, 2025, July 25, 2025, and July 26, 2025, Respondent violated Condition 4 of the Permit by failing to take reasonable precautions to prevent material from its tipping operations from becoming airborne, as described above in Section II, Paragraphs 132-136. These are Class II violations according to OAR 340-012-0054(2)(b). DEQ has not assessed a civil penalty for these violations.

IV. ORDER TO PAY CIVIL PENALTY AND TO COMPLY

Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is hereby ORDERED TO:

1. Pay a total civil penalty of $3,016,128. The determination of the civil penalties are attached as Exhibits 1-10 and are incorporated as part of this Notice.

If you do not file a request for hearing as set forth in Section V below, please pay the penalty as follows:

Pay online with e-check (ACH) or Credit Card. Go to Your DEQ Online here: https://ydo.oregon.gov. Select Register Account or Login, then select Pay Invoices/Fees on your account

dashboard. Enter the Reference Number and FIMS Account ID included on the attached payment slip. Note: US Bank charges a 2.3% convenience charge for credit card transactions. ACH payments have no additional charges.

Pay by check or money order: Make checks payable to "Department of Environmental Quality" and mail to the address on the enclosed payment slip. Please make sure to include the payment slip with your check or money order.

2. By May 15, 2026, submit a surface emissions monitoring plan (SEM Plan) to DEQ for approval that complies with the SEM requirements in Subpart AAAA and Division 239. The SEM Plan must include:

a. A proposal to document and report on the extent of the working face of the Landfill, as defined in Division 239, for each SEM event;

b. A proposal to document, report and obtain DEQ approval to exclude hazardous areas of the Landfill that cannot be monitored during a given calendar quarter due to safety concerns;

c. Enhanced reporting for quarterly SEM events including:

i. A map of the Landfill surface showing the walking pattern for the initial SEM event and any areas excluded from the initial SEM event;

ii. Maps showing the location of 50,000 meter SEM grids and exceedances of 500 ppm and 25 ppm integrated, as required under OAR 340-239-0600(1)(a)(A) and (1)(b)(A);

iii. Maps and documentation of the working face of the landfill on the dates of the initial SEM event;

iv. Photographs of the location of each exceedance of 500 ppm;

v. Before and after photographs of each corrective action taken; and

vi. Documentation, including maps, that new wells installed in response to three exceedances of 500 ppm or 25 ppm integrated are installed in the area of influence of the exceedance.

3. Once the SEM Plan is approved by DEQ, implement the plan beginning with the next calendar quarter. For the remainder of 2026 and 2027, quarterly SEM reports must be submitted to DEQ within 30 days after the close of the calendar quarter.

4. By May 15, 2026, submit for DEQ approval a revised Treatment System Monitoring Plan that complies with 40 CFR 63.1983(b)(5)(ii) and OAR 340-239-0110(2)(d)(C). Once approved by DEQ, implement the updated Treatment System Monitoring Plan.

5. By May 15, 2026, submit to DEQ for approval a written procedure for monthly cover integrity monitoring and repairs that ensures compliance with 40 CFR 63.1960(c)(5) and OAR 340-239-0600(4). Once approved by DEQ, implement the approved procedure.

6. By June 15, 2026, complete all cover repairs identified by SCS in the January 2026 Cover Integrity Report and submit documentation, including photographs, to DEQ.

7. By June 15, 2026, submit an amended design plan to DEQ for approval that meets the requirements of 40 CFR Part 63, Subpart AAAA and Division 239. Specifically, the amended design plan must include:

   a. A gas collection and control system design to handle the maximum expected gas generation flow rate calculated according to 40 CFR 63.1960(a)(1), and to provide redundancy in the controls available to combust gas from the Landfill. With the amended design plan submittal, submit a proposed schedule for installing and operating the new landfill gas collection and control infrastructure.

   b. Any proposed alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 63.1957 through 63.1983 and Division 239.

8. Install and operate the new collection and control system according to the DEQ-approved amended design plan and the timelines therein.

9. By June 15, 2026, submit an operations and maintenance plan (O&M Plan) to DEQ for the enclosed flare to ensure compliance with 40 CFR 63.1955(c), 40 CFR 63.1958(f), 40 CFR 63.1959(b)(2)(iii) and OAR 340-239-0110(2)(a)(A). The O&M Plan must include:

a. Monitoring parameters to ensure proper, consistent functioning of the flare;

b. Procedures for monitoring and recordkeeping;

c. A preventative maintenance schedule;

d. Staff training;

e. A proposal for an alarm system to alert responsible personnel when the flare is down;

f. A description of corrective actions, that will be taken in the event of a malfunction or extended downtime (more than one hour); and

g. A proposal for reporting extended downtime (over one hour) to DEQ.

10. Implement the O&M Plan once approved by DEQ.

11. By October 1, 2026:

a. Have a third party with expertise in landfill operations and dust control and a certified observer conduct Method 22 visible emissions observations at the tipping area of the Landfill under dry conditions over the course of at least four calendar days during the summer of 2026, and prepare a report documenting the observations. The report must include information about the contents of each load that was tipped, the name of the waste hauler, and records of the Method 22 observations. Respondent must notify DEQ at least two weeks in advance of the Method 22 study so that DEQ may observe the study.

b. Submit a Fugitive Dust Control Plan for DEQ approval that includes a description of specific measures that will be used at the tipping area to prevent particulate matter from becoming airborne.

12. Once approved by DEQ, implement the Fugitive Dust Control Plan.

13. Written documentation demonstrating Respondent's compliance with the requirements in Section IV, Paragraphs 2-12, above, must be sent to Mike Eisele at mike.eisele@deq.oregon.gov and Becka Puskas at becka.puskas@deq.oregon.gov.

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V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ must receive your request for hearing **within 20 calendar days** from the date you receive this Notice. If you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached exhibits, you must do so in your request for hearing, as factual matters not denied will be considered admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for further information about requests for hearing.) You must send your request to: **DEQ, Office of Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232**, fax it to **503-229-6762** or email it to **DEQappeals@deq.oregon.gov**. An administrative law judge employed by the Office of Administrative Hearings will conduct the hearing, according to ORS Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be represented by an attorney at the hearing, however you are not required to be. If you request a hearing, you will be notified of the time and place of the hearing and you will be given information on the procedures, and other rights of parties relating to the conduct of the hearing before commencement of the hearing. If you are an individual, you may represent yourself. If you are a corporation, partnership, limited liability company, unincorporated association, trust or government body, you must be represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

Active duty Service members have a right to stay proceedings under the federal Service Members Civil Relief Act. For more information contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil. The Oregon Military Department does not have a toll free telephone number.

If you fail to file a timely request for hearing, the Notice will become a final order by default without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates

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the relevant portions of its files, including information submitted by you, as the record for purposes of proving a prima facie case.

3/11/2026
Date

Erin Saylor, Manager
Office of Compliance and Enforcement

EXHIBIT 1

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 1 — Failing to conduct required surface emissions monitoring (SEM) by improperly excluding large areas of the Landfill, in violation of 40 CFR 63.1958(d), 40 CFR 63.1960(c), OAR 340-239-0600(1) and OAR 340-239-0800(3).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-239-0054(1)(p) and OAR 340-012-0054(1)(tt).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0130(3) as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation and DEQ finds that the violation had a significant adverse impact on human health or the environment. In making this finding, DEQ considered the degree of deviation from the monitoring requirements, the importance of SEM to adequately control landfill gas emissions, and the duration of the violation. SEM is a critical component of the landfill gas regulations under Subpart AAAA and Division 239 because it is a tool to evaluate the adequacy of the gas collection and control system and it helps pinpoint methane leaks that need to be fixed. Thus, conducting adequate SEM is important to the overall regulatory goal of reducing landfill gas emissions. As described in Section II, Paragraphs 5-33 of the Notice, Respondent claimed multiple invalid exemptions from SEM and avoided monitoring significant portions of the Landfill from Q2 2022 through Q4 2025. By failing to monitor significant portions of the Landfill, Respondent also failed to identify and fix leaks causing exceedances of compliance standards, resulting in unaddressed landfill gas emissions. One of the major constituents of landfill gas is methane—a potent greenhouse gas that contributes to climate change. Landfill gas also includes nonmethane organic compounds, some of which are known or suspected carcinogens and may cause other serious health effects. Landfill gas emissions also affect human welfare due to odor. Therefore, the excess emissions that result from inadequate SEM and subsequent lack of corrective actions have a significant impact on human health and the environment.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $12,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i). This base penalty is applicable pursuant to OAR

340-012-0140(1)(a)(A) because Respondent has a Title V Permit and pursuant to OAR 340-012-0140(2)(a)(V) because Respondent is required to comply with OAR 340-239-0110 through OAR 340-239-0800.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 0 according to OAR 340-012-0145(4)(e) because DEQ is assessing a separate civil penalty for each occurrence of the violation. As described below, DEQ is assessing a separate civil penalty for each quarterly SEM event where Respondent improperly excluded large areas of the landfill from Q1 2022 through Q4 2025.

"M" is the mental state of the Respondent, and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent's conduct was reckless. According to OAR 340-012-0030(20), reckless means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation. Respondent has been notified on multiple occasions that it must provide a more detailed justification to exempt areas of the Landfill from SEM, yet Respondent still used invalid, unsupported reasons to exclude large areas from SEM. In September 2020, EPA and DEQ formally responded to an alternative monitoring plan that Respondent had submitted to the agencies under previous similar SEM requirements that applied to the landfill under the New Source Performance Standard Subpart WWW. Respondent had proposed to exclude the following dangerous areas from monitoring: roads, the active fill area, truck traffic areas, construction areas, areas with snow or ice cover, and slopes steeper than or equal to 5:1. In response, EPA stated "NSPS WWW specifically allows exclusion from dangerous areas and areas with steep slopes from surface testing. However, [Respondent] does not provide any details about why the proposed areas are dangerous. For example, are truck traffic areas or construction areas under the control of the landfill operators? If so, then it may be possible to coordinate monitoring with other activities. [Respondent] does not specify the criteria the landfill will use to determine what is meant by the presence of 'snow or ice cover.' Without any limitations, it could interpret this phrase to mean that the presence of any snow or ice would abrogate the responsibility to perform monitoring throughout the entire landfill." DEQ approved Respondent to exclude dangerous areas, subject to the requirement that Respondent take specific steps to ensure those dangerous areas are valid and truly unavoidable to exclude those areas from SEM. Those included providing, in each semi-annual report, a "detailed explanation why those areas are excluded from surface monitoring." In addition, DEQ required that "If the facility wishes to exclude the same location(s) for more than two consecutive quarters, they must submit a request in writing

prior to the monitoring due date." Finally, DEQ required that "[i]f the areas are excluded from SEM long-term rather than postponing temporar[il]y, Valley Landfills must modify the design plan to reflect the changes and those changes must be approved by DEQ." As described in Section II, Paragraphs 5-33 of the Notice, Respondent has not provided detailed explanations for exempting areas claimed as dangerous, and DEQ has not approved any requests to exclude the same area from monitoring in more than two consecutive calendar quarters. In June 2022, EPA conducted an inspection of the Landfill, and took SEM readings. EPA's report documenting the inspection, which was shared with Respondent, concluded: "[The EPA inspector] expressed potential concerns with Republic's SEM/Method 21 procedures. Despite Republic having seen no more than 6 exceedances in the recent SEM reports supplied ahead of the inspection that included penetration monitoring, including reports with 0 exceedances, he identified 61 points in exceedance of 500 ppm, including 21 points above 10,000 ppm, with 26 exceedances at gas collection wells that Republic should have specifically been monitoring on a quarterly basis since the Oregon State Plan became effective in November 2020." In June 2024, EPA again inspected the Landfill and noted a large number of exceedances. EPA's inspection report states "EPA monitored only a portion of the landfill surface and found numerous methane emissions at 500 ppm and higher, including at holes in the cover material. We identified many of the approximately 40 exceedances at locations where the cover material was damaged." In comparison, Respondent had detected only 11 exceedances of 500 ppm in the SEM event immediately prior to the EPA inspection (Q1 2024). The results of both of these inspections should have caused Respondent to review the adequacy of its SEM for the Landfill. Finally, in March 2025, DEQ sent Respondent an email that stated: "I have been reviewing Coffin Butte's annual report and noticed that in the surface emission monitoring section that much of the area that is required to be monitored is being claimed to be exempt from monitoring for reasons that have not been approved by DEQ or EPA such as overgrown vegetation. See the attached response DEQ provided in 2020 to the request for an alternative monitoring plan. Please review DEQ's response to make sure monitoring is being performed as required and that documentation requirements of exempt areas are being completed appropriately." Despite these notifications by both EPA and DEQ regarding the inadequacy of Respondent's SEM, Respondent excluded large areas of the Landfill from quarterly SEM events, without providing any detailed justification to regulators, during at least 14 calendar quarters from Q3 2022 through Q4 2025. Therefore, Respondent consciously disregarded a substantial and unjustifiable risk of violating SEM requirements.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f).

GRAVITY-BASED PENALTY CALCULATION:

Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $12,000 + [(0.1 x $12,000) x (0 + 0 + 0 + 8 + 2)]
= $12,000 + ($1,200 x 10)
= $12,000 + $12,000
= $24,000

In accordance with ORS 468.140(2), each day of violation constitutes a separate offense and is subject to a civil penalty up to $25,000 per day. DEQ is using its enforcement discretion to assess a separate civil penalty for each quarterly SEM event where Respondent improperly excluded large areas of the Landfill from monitoring, from Q3 2022 through Q4 2025. Thus, DEQ is assessing fourteen separate penalties.

TOTAL GRAVITY-BASED PENALTY

$24,000 x 14 = $336,000

ECONOMIC BENEFIT

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $58,427. This is the amount Respondent gained by avoiding spending $78,000, or approximately $6,000 each calendar quarter to conduct adequate SEM from Q3 2022 through Q3 2025. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

TOTAL PENALTY

Total Penalty = Gravity-Based Penalty + EB
Total Penalty = $336,000 + $58,427
Total Penalty = $394,427

EXHIBIT 2

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 3 — Violating the 500 ppm methane standard in 40 CFR 63.1958(d)(1) and OAR 340-239-0200(1)(a) by failing to remonitor and failing to take required corrective actions.

CLASSIFICATION: — This is a Class I violation pursuant to OAR 340-239-0054(1)(i) and OAR 340-012-0054(1)(ss).

MAGNITUDE: — The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: — The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii). This base penalty is applicable pursuant to OAR 340-012-0140(1)(a)(A) because Respondent has a Title V Permit and pursuant to OAR 340-012-0140(2)(a)(V) because Respondent is required to comply with OAR 340-239-0110 through OAR 340-239-0800.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation. In Q3 2022, Respondent failed to conduct remonitoring on 31 occasions. In Q4 2022, Respondent conducted late remonitoring in 14 locations and failed to conduct one month follow up monitoring in the same 14 locations. Finally, between 2022 and 2025, there were 24 occurrences where Respondent failed to install new wells in response to the third monitored exceedance of the 500 ppm standard as follows: Q4 2023 (2 locations), Q1 2024 (8 locations), Q2 2024 (3 locations), and Q2 2025 (11 locations). Thus, there were 83 occurrences of the violation in six different calendar quarters. As discussed below, DEQ is assessing a separate civil penalty for each calendar quarter. To arrive at "O," DEQ divides the total number of occurrences by the number of occurrences for which the

agency is assessing a separate penalty. Therefore, each penalty accounts for 13.8 occurrences of the violation.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. According to OAR 340-012-0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. Respondent is familiar with the monitoring and remonitoring requirements of Subpart AAAA and Division 239. This is evident by the fact that Respondent has conducted timely remonitoring in locations where an exceedance was detected, and recorded that remonitoring in its SEM reports submitted to DEQ. However, Respondent did not consistently remonitor as required by Subpart AAAA and Division 239 in Q3 2022 and Q4 2022. In addition, Respondent's quarterly monitoring reports identify the specific locations, including latitude and longitude coordinates, where three 500 ppm exceedances have been documented and identify a due date for a system expansion. Yet the new wells that Respondent installed have not consistently been installed at or near those problem locations. In addition, 500 ppm exceedances have been a recurring issue at the Landfill. Respondent's installation of new wells in other locations has not returned the Landfill to compliance with the 500 ppm standard. Thus, Respondent failed to take reasonable care to avoid a foreseeable risk of conduct resulting in a violation of the 500 ppm standard.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f).

GRAVITY-BASED PENALTY CALCULATION:

Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $6,000 + [(0.1 x $6,000) x (0 + 0 + 3 + 4 + 2)]
= $6,000 + ($600 x 9)
= $6,000 + $5,400
= $11,400

In accordance with ORS 468.140(2), each day of violation constitutes a separate offense and is subject to a civil penalty up to $25,000 per day. DEQ is using its enforcement discretion to assess a separate civil penalty for each calendar quarter when Respondent violated the 500 ppm methane standard in 40 CFR 63.1958(d)(1) and OAR 340-239-0200(1)(a) by failing to conduct remonitoring or implement corrective actions. As discussed above under the "O" factor, there were violations in six different calendar quarters. Therefore, DEQ is assessing six separate penalties.

TOTAL GRAVITY-BASED PENALTY

$11,400 x 6 = $68,400

ECONOMIC BENEFIT

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 because the economic benefit that Respondent gained as a result of this violation is accounted for in Exhibit 3.

TOTAL PENALTY

Total Penalty = Gravity-Based Penalty + EB
Total Penalty = $68,400 + 0
Total Penalty = $68,400

EXHIBIT 3

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 4 — Violating the 25 ppm integrated standard in OAR 340-239-0200(1)(b) by failing to remonitor and failing to take required corrective actions.

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0054(1)(ss).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(V) because Respondent is required to comply with OAR 340-239-0110 through OAR 340-239-0800.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation. In Q3 2022, Respondent failed to conduct the second round of 10-day remonitoring in 13 grids, and in Q4 2022, Respondent failed to conduct the first round of 10-day remonitoring in 23 grids. Finally, between 2022 and 2025, there were 18 occurrences where Respondent failed to install new wells in response to the third monitored exceedance of the 25 ppm integrated standard: Q1 2023 (11 grids), Q2 2023 (3 grids), Q4 2023 (1 grid), and Q3 2025 (4 grids). Thus, there were 54 occurrences of the violation in six different calendar quarters. As discussed below, DEQ is assessing a separate civil penalty for each calendar quarter. To arrive at "O," DEQ divides the total number of occurrences by the number of occurrences for which the agency is assessing a separate penalty. Therefore, each penalty accounts for 9 occurrences of the violation.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. According to OAR 340-012-0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. Respondent is familiar with the monitoring and remonitoring requirements of Division 239. This is evident by the fact that Respondent has conducted timely remonitoring in locations where an exceedance was detected, and recorded that remonitoring in its SEM reports submitted to DEQ. However, Respondent did not consistently remonitor as required by Division 239 in Q3 2022 and Q4 2022. In addition, Respondent's quarterly monitoring reports identify the 50,000 square foot grids where three exceedances of the 25 ppm integrated standard have been documented, and identify a due date for a system expansion. Yet the new wells that Respondent installed have not consistently been installed at or near those problem locations. In addition, 25 ppm exceedances have been a recurring issue at the Landfill. Respondent's installation of new wells in other locations has not returned the Landfill to compliance with the 25 ppm standard. Thus, Respondent failed to take reasonable care to avoid a foreseeable risk of conduct resulting in a violation of the 25 ppm standard.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f).

GRAVITY-BASED PENALTY CALCULATION:

Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $6,000 + [(0.1 x $6,000) x (0 + 0 + 3 + 4 + 2)]
= $6,000 + ($600 x 9)
= $6,000 + $5,400
= $11,400

In accordance with ORS 468.140(2), each day of violation constitutes a separate offense and is subject to a civil penalty up to $25,000 per day. DEQ is using its enforcement discretion to assess a separate civil penalty for each calendar quarter in which Respondent violated the 25 ppm methane standard in OAR 340-239-0200(1)(b) by failing to conduct remonitoring or corrective actions. As discussed above under the "O" factor, there were violations in six different calendar quarters. Therefore, DEQ is assessing six separate penalties.

TOTAL GRAVITY-BASED PENALTY

$11,400 x 6 = $68,400

ECONOMIC BENEFIT

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In

this case, "EB" receives a value of $836,215. This is the amount Respondent gained by avoiding spending approximately $976,674 to install 20 new wells and approximately $138,527 in well operating costs. DEQ has estimated these costs using EPA's Landfill Gas Energy Cost Model, available at https://www.epa.gov/lmop/lfgcost-web-landfill-gas-energy-cost-model. DEQ evaluated the 24 occurrences where Respondent should have installed wells in response to three 500 ppm exceedances and the 18 occurrences where Respondent should have installed wells in response to 25 ppm exceedances. DEQ eliminated occurrences where the locations are geographically close to each other to avoided double-counting. Based on that analysis, DEQ has determined that Respondent avoided the cost of installing at least 20 wells. DEQ has conservatively assumed that all of these wells should have been installed by December 27, 2025, which is 120 days from the third exceedance measured in Q3 2025, and that the operating costs for the wells should have been incurred by that date. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

TOTAL PENALTY

Total Penalty = Gravity-Based Penalty + EB
Total Penalty = $68,400 + $836,215
Total Penalty = $904,615

EXHIBIT 4

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 5 — Failing to install and operate a gas collection and control system designed to handle the maximum expected gas generation flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment, in violation of 40 CFR 63.1959(b)(2)(ii)(B)(i) and OAR 340-239-0110(1)(c)(C).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0054(1)(i) and OAR 340-012-0054(1)(pp).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: BP + [(0.1 x BP) x (P + H + O + M + C)] + EB

"BP" is the base penalty, which is $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii). This base penalty is applicable pursuant to OAR 340-012-0140(1)(a)(A) because Respondent has a Title V Permit and pursuant to OAR 340-012-0140(2)(a)(V) because Respondent is required to comply with OAR 340-239-0110 through OAR 340-239-0800.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation. Each day is a separate occurrence of the violation. As described below, DEQ is assessing a separate civil penalty for each year from 2022 through 2025. Therefore, each penalty represents 365 days, which is more than 28 occurrences of the violation.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. According to OAR 340-012-

0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. The 2021 Design Plan states that it was "prepared pursuant to OAR 340-239-0110" (p. 3). As discussed in Section II, Paragraph 56 of the Notice, OAR 340-239-0110(1)(c)(C) requires that the Design Plan must demonstrate that the gas collection and control system is designed to handle the maximum expected gas generation flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment. As discussed in Section II, Paragraph 63 of the Notice, the 2021 Design Plan deviated from the maximum expected gas generation flow rate calculation, 40 CFR 63.1960(a)(1), in a number of respects. These deviations from the required calculation resulted in an under design of the gas collection and control system. With regard to the k and Lo values used in the calculation, Respondent should have known the correct values to use because Respondent used the AP-42 default values of k = 0.04 and Lo = 100 in a previous version of the gas collection and control system Design Plan prepared in 2007. In addition, the significant number of exceedances of the 500 ppm and 25 ppm compliance standards should have alerted Respondent to the need to reevaluate the capacity of the system. Finally, as described in Section II, Paragraph 66 of the Notice, Respondent's 2021 Design Plan predicted that the control system would need to be expanded as early as 2022 to handle the amount of gas being generated by the Landfill, but Respondent did not make any updates to its landfill gas controls until August 2024, when it installed and began operating a new enclosed flare. Thus, Respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation of designing, installing and operating its gas collection and control system as required by state and federal requirements.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f).

GRAVITY-BASED PENALTY CALCULATION:

Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $6,000 + [(0.1 x $6,000) x (0 + 0 + 4 + 4 + 2)]
= $6,000 + ($600 x 10)
= $6,000 + $6,000
= $12,000

In accordance with ORS 468.140(2), each day of violation constitutes a separate offense and is subject to a civil penalty up to $25,000 per day. DEQ is using its enforcement discretion to assess a separate civil penalty for each year when Respondent operated an undersized gas collection and control system, from 2022 through 2025. Thus, DEQ is assessing four separate penalties.

TOTAL GRAVITY-BASED PENALTY

$12,000 x 4 = $48,000

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $178,931, which is the cost that Respondent avoided to install a larger flare to combust landfill gas by 2022. More specifically, in August 2024, Respondent installed and began operating a new enclosed flare with a capacity of 3,390 cfm. For purposes of this EB estimate, DEQ is assuming that Respondent should have installed and began operating a larger enclosed flare with a capacity of 4,772 cfm, on or before 2022, when the maximum expected gas generation flow rate exceeded the capacity of Respondent's controls. DEQ estimates that the difference in cost to install the larger flare vs. the 3,390 flare that Respondent installed in August 2024 is $184,441, which is the input DEQ entered into the BEN model. DEQ has estimated these costs using EPA's Landfill Gas Energy Cost Model, available at https://www.epa.gov/lmop/lfgcost-web-landfill-gas-energy-cost-model. The "EB" result of $178,931 was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

TOTAL PENALTY

Total Penalty = Gravity-Based Penalty + EB
Total Penalty = $48,000 + $178,931
Total Penalty = $226,931

EXHIBIT 5

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 6 — Failing to submit an amended design plan to DEQ that includes any necessary updates or addenda, in accordance with OAR 340-239-0700(3)(j), in violation of OAR 340-239-0110(1)(b).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0054(1)(oo).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: BP + [(0.1 x BP) x (P + H + O + M + C)] + EB

"BP" is the base penalty, which is $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(V) because Respondent is required to comply with OAR 340-239-0110 through OAR 340-239-0800.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 0 according to OAR 340-012-0145(4)(a) because there was one occurrence of the violation. Respondent failed to submit an amended design plan to DEQ prior to changing its landfill gas controls by constructing and operating a new enclosed flare in August 2024.

"M" is the mental state of the Respondent, and receives a value of 2 according to OAR 340-012-0145(5)(b) because Respondent had constructive knowledge (reasonably should have known) of the requirement. Respondent was aware that the Landfill was regulated under Division 239 and reasonably should have known of the requirement to submit an amended design plan to account for a change in its landfill gas controls.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as

described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). As of the date of the Notice, Respondent has not submitted an amended design plan to DEQ that includes the enclosed flare.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $6,683. This is the amount Respondent gained by avoiding spending approximately $8,000 in engineering consultant costs to develop an amended design plan. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $6,000 + [(0.1 x $6,000) x (0 + 0 + 0 + 2 + 2)] + $6,683
= $6,000 + ($600 x 4) + $6,683
= $6,000 + $2,400 + $6,683
= $15,083

EXHIBIT 6

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 7 — Failing to ensure that control devices were consistently maintained and operational, in violation of 40 CFR 63.1955(c), 40 CFR 63.1958(e)(1), 40 CFR 63.1958(f), 40 CFR 63.1959(b)(2)(iii) and OAR 340-239-0110(2)(a)(A) and OAR 340-239-0110(2)(a)(F).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0054(1)(i) and OAR 340-012-0054(1)(qq).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0130(3) as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation and DEQ finds that the violation had a significant adverse impact on human health or the environment. In making this finding, DEQ considered the degree of deviation from applicable requirements, the duration of the violation, and the impacts of excess landfill gas emissions on human health and the environment. Specifically, from January 2022 to August 2024, flare #1 was down for a total of 3,962 hours (which translates to 165 calendar days), with 22 separate downtime events exceeding 24 hours in length; flare #2 was down for a total of 1,301 hours (which translates to 54 calendar days), with 5 separate downtime events exceeding 24 hours in length. From August 2024 to December 2025, the enclosed flare was down for a total of 683 hours (which translates to 28 calendar days), with 8 separate downtime events exceeding 24 hours in length. The ongoing operation of the flares had a critical role in controlling gas from the Landfill, and Respondent was not effectively capturing and controlling the gas from the Landfill during the extended periods when the flares were down. One of the major constituents of landfill gas is methane—a potent greenhouse gas that contributes to climate change. Landfill gas also includes nonmethane organic compounds, some of which are known or suspected carcinogens and may cause other serious health effects. Landfill gas emissions also affect human welfare due to odor. Therefore, the excess emissions that result from inadequate control of landfill gas have a significant impact on human health and the environment.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $12,000 for a Class I, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(i). This base penalty is applicable pursuant to OAR

340-012-0140(1)(a)(A) because Respondent has a Title V Permit and pursuant to OAR 340-012-0140(2)(a)(V) because Respondent is required to comply with OAR 340-239-0110 through OAR 340-239-0800.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 4 according to OAR 340-012-0145(4)(d) because there were more than 28 occurrences of the violation. As described below, DEQ is assessing a civil penalty for each year when Respondent failed to ensure that control devices were consistently maintained and operational, from 2022 through 2025. During each of these years, Respondent had more than 28 significant downtime events for its flares, some of them lasting over 24 hours, as detailed in the Notice.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. According to OAR 340-012-0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. Proper operation and maintenance of the flares is essential so that they can run continuously to control landfill gas, especially when Respondent does not have redundancy in its control system. By failing to ensure that the flares were properly operated and maintained to avoid excessive periods of downtime between 2022 and 2025, Respondent failed to take reasonable care to avoid a foreseeable risk of violating the requirements to effectively control landfill gas emissions under Subpart AAAA and Division 239.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). In the November 2025 PEN, DEQ requested that Respondent submit an Operations and Maintenance Plan for the enclosed flare. As of the date of this Notice, Respondent has not submitted an Operations and Maintenance Plan to DEQ.

GRAVITY-BASED PENALTY CALCULATION:

Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $12,000 + [(0.1 x $12,000) x (0 + 0 + 4 + 4 + 2)]
= $12,000 + ($1,200 x 10)
= $12,000 + $12,000
= $24,000

In accordance with ORS 468.140(2), each day of violation constitutes a separate offense and is subject to a civil penalty up to $25,000 per day. DEQ is using its enforcement discretion to assess

a separate civil penalty for each year when Respondent failed to ensure that its control devices were consistently maintained and operational, from 2022 through 2025. Thus, DEQ is assessing four separate penalties.

TOTAL GRAVITY-BASED PENALTY

$24,000 x 4 = $96,000

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $1,104,683, which is the cost that Respondent avoided to install a backup flare to combust landfill gas by 2022. DEQ estimates that the cost to install a backup flare with a capacity of 4,772 cfm is $1,138,699, which is the input DEQ entered into the BEN model. DEQ estimated these costs using EPA's Landfill Gas Energy Cost Model, available at https://www.epa.gov/lmop/lfgcost-web-landfill-gas-energy-cost-model. The "EB" result of $1,104,683 was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

TOTAL PENALTY
Total Penalty = Gravity-Based Penalty + EB
Total Penalty = $96,000 + $1,104,683
Total Penalty = $1,200,683

EXHIBIT 7

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 8 — Failing to prepare a site-specific treatment monitoring plan that includes monitoring parameters for dewatering and a justification for the pressure ranges included as parameters in the plan, in violation of 40 CFR 63.1983(b)(5)(ii) and OAR 340-239-0110(2)(d)(C).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0054(1)(p) and OAR 340-012-0054(1)(qq).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: BP + [(0.1 x BP) x (P + H + O + M + C)] + EB

"BP" is the base penalty, which is $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii). This base penalty is applicable pursuant to OAR 340-012-0140(1)(a)(A) because Respondent has a Title V Permit and pursuant to OAR 340-012-0140(2)(a)(V) because Respondent is required to comply with OAR 340-239-0110 through OAR 340-239-0800.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 0 according to OAR 340-012-0145(4)(a) because there is only one occurrence of the violation.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. According to OAR 340-012-0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. Respondent's Treatment System Monitoring Plan quotes the regulatory requirements to include filtering and dewatering parameters, and the requirement to include a justification for all of the

parameters in the plan. However, Respondent's Treatment System Monitoring Plan does not meet those requirements. Therefore, Respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in an inadequate Treatment System Monitoring Plan.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). As of the date of this Notice, Respondent has not updated its Treatment System Monitoring Plan.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 because DEQ has insufficient information to calculate an economic benefit for this violation.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $6,000 + [(0.1 x $6,000) x (0 + 0 + 0 + 4 + 2)] + $0
= $6,000 + ($600 x 6) + $0
= $6,000 + $3,600 + $0
= $9,600

EXHIBIT 8

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 10 — Failing to conduct monthly wellhead monitoring, in violation of 40 CFR 63.1961(a) and OAR 340-239-0110(3).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0054(1)(p) and OAR 340-012-0054(1)(rr).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii). This base penalty is applicable pursuant to OAR 340-012-0140(1)(a)(A) because Respondent has a Title V Permit and pursuant to OAR 340-012-0140(2)(a)(V) because Respondent is required to comply with OAR 340-239-0110 through OAR 340-239-0800.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation. Respondent failed to conduct monthly wellhead monitoring on 28 occasions in 2025.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. According to OAR 340-012-0030(15), negligent means the respondent failed to take reasonable care to avoid a foreseeable risk of conduct constituting or resulting in a violation. Respondent references safety reasons, as approved by DEQ in a September 2020 Alternative Monitoring Plan Approval, as the rationale for not monitoring. However, Respondent did not comply with the conditions of that approval – to provide a detailed explanation of the safety issues and get written approval from DEQ in advance. Therefore, Respondent failed to take reasonable

care to avoid a foreseeable risk of conduct constituting or resulting in a violation of failing to monitor the wellheads.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 0 according to OAR 340-012-0145(6)(f) because there is insufficient information to make a finding under paragraphs (6)(a) through (6)(e), or (6)(g).

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 because DEQ has insufficient information to calculate an economic benefit for this violation.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $6,000 + [(0.1 x $6,000) x (0 + 0 + 3 + 4 + 0)] + $0
= $6,000 + ($600 x 7) + $0
= $6,000 + $4,200 + $0
= $10,200

EXHIBIT 9

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 11 — Failing to implement a program to monitor Landfill cover integrity and implement cover repairs as necessary on a monthly basis, in violation of 40 CFR 63.1960(c)(5) and OAR 340-239-0600(4).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0054(1)(i).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: $BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB$

"BP" is the base penalty, which is $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(1)(a)(A) because Respondent has a Title V Permit.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation. As discussed below, DEQ is assessing a separate penalty for each year during which Respondent failed to implement a program to monitor Landfill cover integrity and implement cover repairs as necessary on a monthly basis, from 2022 through 2025. Therefore, each penalty accounts for 12 occurrences of the violation.

"M" is the mental state of the Respondent, and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent's conduct was reckless. According to OAR 340-012-0030(20), reckless means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation. In June 2022, EPA identified and documented significant issues with the Landfill cover, which were

documented in the EPA inspection report that was sent to Respondent in July 2022. Respondent's cover maintenance and repair invoices show that Respondent undertook cover maintenance and repairs in September 2022 and October 2022. However, Respondent performed only limited cover maintenance and repairs in 2023 and the first half of 2024, such that when EPA inspected again in June 2024, EPA once again identified and documented significant cover integrity issues, including small trees growing through the Landfill cover in numerous locations. EPA once again documented cover integrity issues in the inspection report that was sent to Respondent in August 2024. Respondent's cover maintenance and repair invoices show that Respondent undertook cover maintenance and repairs from late August 2024 through the end of 2024, and intermittently throughout 2025. However, the cover integrity evaluation performed by Respondent's consultants in January 2026 identified areas in need of maintenance or repair in 30 grid areas at the Landfill. By failing to implement an adequate and consistent program of cover monitoring, maintenance and repair despite documentation of significant cover integrity issues by EPA in June 2022 and June 2024, Respondent consciously disregarded a substantial and unjustifiable risk of cover integrity violations.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 2 according to OAR 340-012-0145(6)(g) because Respondent did not address the violation as described in paragraphs (6)(a) through (6)(e) and the facts do not support a finding under paragraph (6)(f). As of the date of this Notice, Respondent has not submitted documentation to DEQ demonstrating that it has improved its monthly cover integrity program or implemented the repairs identified in the January 2026 Cover Integrity Report.

GRAVITY-ASED PENALTY CALCULATION:

Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)]
= $6,000 + [(0.1 x $6,000) x (0 + 0 + 3 + 8 + 2)]
= $6,000 + ($600 x 13)
= $6,000 + $7,800
= $13,800

In accordance with ORS 468.140(2), each day of violation constitutes a separate offense and is subject to a civil penalty up to $25,000 per day. DEQ is using its enforcement discretion to assess a separate civil penalty for each year during which Respondent failed to implement a program to monitor Landfill cover integrity and implement cover repairs as necessary on a monthly basis, from 2022 through 2025. Thus, DEQ is assessing four separate penalties.

TOTAL GRAVITY-BASED PENALTY

$13,800 x 4 = $55,200

ECONOMIC BENEFIT

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $80,589. This is the amount Respondent gained by avoiding the cost of cover monitoring ($5,540) and repairs ($75,049). Specifically, Respondent avoided spending approximately $2,200 per year from 2022 through 2025 to perform monthly cover inspections. In addition, Respondent avoided spending approximately $100,485 on Landfill cover repairs. These costs should have been incurred on or before January 19, 2026, when SCS conducted a full landfill cover inspection and documented needed cover repairs. This "EB" was calculated pursuant to OAR 340-012-0150(1) using the U.S. Environmental Protection Agency's BEN computer model.

TOTAL PENALTY

Total Penalty = Gravity Based Penalty + EB
Total Penalty = $55,200 + $80,589
Total Penalty = $135,789

EXHIBIT 10

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION NO. 12 — Submitting inaccurate cover integrity reports to DEQ, in violation of Condition 37.a of the Permit and OAR 340-239-0700(f)(D).

CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0053(1)(b).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0130(1), as there is no selected magnitude specified in OAR 340-012-0135 applicable to this violation, and the information reasonably available to DEQ does not indicate a minor or major magnitude.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: BP + [(0.1 x BP) x (P + H + O + M + C)] + EB

"BP" is the base penalty, which is $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(1)(a)(A) because Respondent has a Title V Permit.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 0 according to OAR 340-012-0145(2)(a)(A), because there are no prior significant actions.

"H" is Respondent's history of correcting prior significant actions, and receives a value of 0 according to OAR 340-012-0145(3)(c) because there is no prior history.

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because there were from seven to 28 occurrences of the violation. As discussed below, DEQ is assessing a separate penalty for each year during which Respondent submitted inaccurate cover integrity reports to DEQ, from 2022 through 2025. Respondent submitted monthly cover integrity reports to DEQ each year. Therefore, each penalty accounts for 12 occurrences of the violation.

"M" is the mental state of the Respondent, and receives a value of 8 according to OAR 340-012-0145(5)(d) because Respondent's conduct was reckless. According to OAR 340-012-0030(20), reckless means the respondent consciously disregarded a substantial and unjustifiable risk that the result would occur or that the circumstance existed. The risk must be of such a nature and degree that disregarding that risk constituted a gross deviation from the standard of care a reasonable person would observe in that situation. From January 2021 through December 2025, Respondent has consistently reported to DEQ that it conducted monthly inspections of the landfill cover, with "no issues" or "no holes" found during the

inspections, except for a single report for September 2024 that identified landfill cover issues. These reports are in direct contradiction with observations by EPA in June 2022 and June 2024, and the observations of Respondent's consultants in January 2026, which identified significant cover integrity issues. Submitting false reports to a regulatory agency is a gross deviation from the standard of care a reasonable landfill operator would observe in this situation.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of 0 according to OAR 340-012-0145(6)(f) because the violation or the effects of the violation could not be corrected or minimized. The purpose of the reporting is to document inspections that identify cover issues and trigger needed repairs, as well as to alert DEQ to cover integrity issues. Thus, the effects of the violation for the past reporting violations cannot be corrected or minimized.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0 because DEQ has insufficient information to calculate an economic benefit for this violation.

PENALTY CALCULATION:

Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $6,000 + [(0.1 x $6,000) x (0 + 0 + 3 + 8 + 0)] + $0
= $6,000 + ($600 x 11) + $0
= $6,000 + $6,600 + $0
= $12,600

In accordance with ORS 468.140(2), each day of violation constitutes a separate offense and is subject to a civil penalty up to $25,000 per day. DEQ is exercising its enforcement discretion to assess a separate penalty for each year in which Respondent submitted inaccurate cover integrity reports to DEQ, from 2022 through 2025. Thus, DEQ is assessing four separate penalties.

TOTAL PENALTY

$12,600 x 4 = $50,400

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100

State of Oregon
DEQ Department of Environmental Quality

Phone: 503-229-5437
Fax: 503-229-5850

CIVIL PENALTY - ORS 468.135(2)

DATE:	March 11, 2026
RESPONSE DATE*:	May 20, 2026
TOTAL PENALTY:	$3,016,128.00

Account Name:	VALLEY LANDFILLS, INC.		
Account Type:	Vendor/Organization/Company	Reference Number:	**CPGFD2600083**
SubSystem ID:	216651	FIMS Acct. ID:	27166

Penalty Summary

Penalty Amount	Interest	Adjustment	Amount Paid	Total Penalty
$ 3,016,128.00	$ 0.00	$ 0.00	$ 0.00	$ 3,016,128.00

*This is the date the penalty is due if you do not exercise your right to appeal the attached order. Payment of this penalty is subject to the exercise of your options or right to appeal as described in the enclosed enforcement documents.

To Pay Online with ACH or Credit Card Visit https://ydo.oregon.gov and select 'Register Account'

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

DEQ

REFERENCE NO.	CPGFD2600083		
PAYCODE:	00401 7400 10040 74001 0500 000000 00		
FEE PROGRAM ID:	950	RESPONSE DATE:	May 20, 2026
FIMS ACCT. ID:	27166	TOTAL PENALTY DUE:	$3016128.00

AMOUNT ENCLOSED: _____

MAKE CHECK PAYABLE TO: Department of Environmental Quality

DEQ FINANCIAL SERVICES - LBX4244
PO BOX 4244
PORTLAND OR 97208-4244

☐ Check this box if updated address information has been provided on the back of the form.

00401 7400 10040 74001 0500 000000 00950002716600CPGFD2600083030161280008

State of Oregon
Department of Environmental Quality

State of Oregon Department of Environmental Quality

CIVIL PENALTY - ORS 468.135(2)

700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
Phone: 503-229-5437
Fax: 503-229-5850

Penalty Detail

Transaction Date	Description	Amount
3/11/2026	2025-582 AQ-V-WR-2025-582	$3,016,128.00

SFMS Agencies Use:

Trans Code	Treasury Fund	SFMS	Index	PCA (5)	Agency Object	Project #	Phase
723	00401	7400	10040	74001	0500	00000	00

Address Changes

Please visit https://ydo.oregon.gov to update your mailing address online or provide the following information:

Name _____

Address _____

City, State, Zip _____

CERTIFICATE OF MAILING

I hereby certify that I served DEQ Case No. AQ/V-WR-2025-582 upon:

9589 0710 5270 0110 5984 94

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- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage

Postmark Here

Valley Landfills, Inc.
c/o CT Corporation System, Registered Agent
780 Commercial Street SE, Suite 100
Salem, OR 97301

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Paul Koster II
Valley Landfills, Inc.
28972 Coffin Butte Road
Corvallis, OR 97330

Brent Learch
Valley Landfills, Inc.
28972 Coffin Butte Road
Corvallis, OR 97330

Bret Davis
Valley Landfills, Inc.
28972 Coffin Butte Road
Corvallis, OR 97330

By mailing a true copy of the above by placing it in a sealed envelope, with postage prepaid at the DEQ/DAS mail services in Portland, Oregon on March 11, 2026

Isaac Griffith

Isaac Griffith, Case Coordinator
Office of Compliance & Enforcement
Department of Environmental Quality