

Permits

From: Bill Bosch <bbosch1958@gmail.com>
Sent: Tuesday, September 26, 2023 1:45 PM
To: Permits
Subject: DTG air operating permit.

Categories: Yellow category

Hi,

I am writing to oppose this operating permit. I intend to be at the public hearing this evening. The public was not given sufficient prior notification to review the permit and accompanying documents and make thoughtful, evidence-based comments. YRCAA posted a notice regarding this matter on August 24th, without issuing a press release, or notifying neighbors. There were hundreds of pages to digest, much of it technical in nature. Members of the public who did not regularly check the YRCAA website, would be unaware of this posting. Therefore, I urge you to extend the public comment period.

DTG's New Source Review application relies on outdated information. The site plan showing the landfill footprint and surrounding area is from 2015 and bears little resemblance to the landfill of 2023, nor the growth of the neighborhood. The aerial photos of the LPL and PCS are similarly outdated. The application only looks at landfill volume data up to 2021 and omits 2022 data (the largest volume to date), despite the fact that this data was readily available since April 2023.

Regulators have required and DTG has agreed to place a liner on all future landfill cells, yet there was no mention of such a liner, and the work plan DTG submitted was from 2020 before any discussion of a liner took place. A liner requires a leachate collection system, yet there was no mention of this either. DTG needs to update its work plan.

The SEPA (State Environmental Policy Act) Determination of Nonsignificance for the landfill was from 1992, with another SEPA review in 2015. The 2015 SEPA review was mentioned in the application, but not included in Appendix C with the 1992 SEPA Determination of Nonsignificance. Given all the problems with the landfill (MTCA Toxic site, landfill fire) and growth in the neighborhood, we think it is reasonable to request a new SEPA determination be completed.

As a regional clean air authority, your first obligation should be to maintain public health for local citizens, not to maintain corporate profits for a business that I understand largely brings waste in from out-of-county. Yakima also needs to be very mindful of how vitally important our natural resources are to the economy here. Yakima county is filled with people who love to hunt, fish, hike, and recreate outdoors. Tourists from all over visit this valley to enjoy our wine and beer industries, but also enjoy getting away from the density of the big cities to enjoy our trails and the lovely outdoor weather we experience so much of the year. Please protect this vital element of our community.

Bill Bosch
805 N. 51st Avenue
Yakima, WA 98908
Former Board member, Cowiche Canyon Conservancy

Permits

From: John Menard <jt_menard@yahoo.com>
Sent: Tuesday, September 26, 2023 3:47 PM
To: Permits
Subject: Public Comment

Hello,

I am writing to request an extension of the public comment period for DTG Recycle's permit application. Given the potential environmental impact of the operation of this site, it is necessary that the public have the necessary time to fully comment on the proposed permit.

John Menard

Permits

From: Hasan Tahat
Sent: Wednesday, September 27, 2023 8:51 AM
To: Permits
Subject: FW: Cave comments on DTG NSR Application

Importance: High

From: Scott Cave [<mailto:sccomm@sosmail.us>]
Sent: Tuesday, September 26, 2023 3:41 PM
To: Hasan Tahat
Cc: Carole Degrave; Nancy Lust
Subject: RE: Cave comments on DTG NSR Application
Importance: High

Hasan

I have a question about the YRCAA public hearing on DTG's application tonight starting at 6:00 pm. I did not see an option to call in - will the public be allowed to participate remotely?

Also, regarding my submitted comments on DTG's NSR application to YRCAA yesterday, I would like to correct an error on page 7. I ended my comment about **C. Figure 3. PCS Facility** with this sentence.

"To date, YRCAA staff have not visited DTGs closest and most impacted neighbors."

Carole informed that you, Wade and another staffer visited her once.

My corrected sentence is:

"To date, YRCAA staff have visited one of DTGs closest and most impacted neighbors, Carole DeGrave, only once."

Let me know if you have any questions. I look forward to your reply.

Sincerely,
Scott

From: Hasan Tahat <hasan@yrcaa.org>
Sent: Monday, September 25, 2023 4:38 PM
To: Scott Cave <sccomm@sosmail.us>
Subject: RE: Cave comments on DTG NSR Application

Received one document! Thank you.

Permits

From: kodaydqcw <kodaydqcw@gmail.com>
Sent: Friday, September 29, 2023 2:44 PM
To: Permits
Subject: Opposed to the DTG temporary Air Operating Permit

This is my second comment concerning the DTG temporary Air Operating Permit. DTG's history of compliance to past requirements has been abysmal. They have not yet dug all the required monitoring wells, dug through the natural protective liner, there is no vegetative buffer between DTG and its neighbors, the slope of the original cell was greater than allowed and of course we are having to deal with an underground fire.

Due to their poor compliance, I believe it is imperative of your department to require the following before issuing any temporary permit:

- Require a new SEPA to account for the numerous issues that have changed as a result of their disregard for regulations.
- Require independent 3rd party air monitoring along with the monitoring required in the current proposed permit. This could go a long way in improving the public's distrust of this company

Thank you,
Mark Koday

89 Westland Drive
Yakima WA 98908
(509) 949-2278

Sent from [Mail](#) for Windows

Permits

From: Sara Cate <Sara.Cate@chcw.org>
Sent: Monday, October 2, 2023 2:54 PM
To: Permits
Subject: DTG permitting comment

To Whom It May Concern,

I am very concerned about DTG Enterprises application for New Source Review permit related to their operation of the Limited Purpose Landfill and associated facilities at 41 Rocky Top Road, Yakima WA 98908. This company has not shown itself to be a responsible landfill business given the events of the past few years. Daily odors emanating from the landfill for several years with the concerns of neighbors ignored or denied by DTG until regular meetings with county regulators encouraged a closer examination of the operations there. Odors are improved but continue. And what of the adverse health impacts of these odors? I would request that no further permits be authorized to DTG until a full environmental review of the impacts of this facility are made. Thank you very much for your consideration of this request.

Sara Cate, MD, MPH

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Elizel Reynoso

From: Scott Cave <sccomm@sosmail.us>
Sent: Wednesday, October 25, 2023 2:53 PM
To: Hasan Tahat; Permits
Cc: James C. Carmody; Carole Degrave; Nancy Lust
Subject: Cave add comments on DTG NSR Application
Attachments: Orange County Odor Control Plan Final Report, 2016.pdf; Cave Add comments on YRCAA DTG NSR app, Oct 25, 2023 FINAL.docx

YRCAA

Attached are my additional comments on DTG's NSR application and the YRCAA permit and the Orange Co Utilities Dept. Solid Waste Division Odor Control Plan prepared by SCS Engineers. Let me know if you have any problem downloading the document. I will provide the media record file separately.

Sincerely,

Scott Cave
President, S.C. Communications
(360) 789-2772

This comment letter was submitted via email to: permits@yrcaa.org

To: Hasan Tahat, Engineering and Planning Supervisor
Yakima Regional Clean Air Agency
186 Iron Horse Court, Suite 101
Yakima, WA. 98901

From: Scott Cave, President
S.C. Communications
205 W. Sixth Avenue
Ritzville, WA 99169

Subject: Additional written comment on DTG's NSR Application and YRCAA's Operating Permit

On behalf of Carole DeGrave and Friends of Rocky Top (FORT), we respectfully submit the following prepared comments on DTG's NSR Application and the YRCAA's proposed Order of Approval for DTG's Limited Purpose Landfill Air Operating Permit.

I. DTG's NSR Application

Comment #1: Appendix D, LPL Operations Plan Appendix C – Sampling and Analysis Plan (SAP)

DTG submitted the NSR Application to YRCAA with HWA GeoSciences outdated *Anderson 2007 Groundwater Sampling and Analysis Plan (GW SAP)* instead of an updated GW SAP that reflects changes in state law, and requires sampling of likely groundwater contaminants given the multiple known sources of potential contamination (see Cave 9/25/23 written comments, *Background*) at this location.

The submission of this particular outdated 2007 GW SAP has occurred with nearly every application submitted by DTG to local and state regulators. As regulators know, HWA GeoSciences has prepared multiple updated GW SAPs for DTG (see; Feb/2017, Feb/2020, Nov/2022), yet the company prefers to submit outdated, less restrictive groundwater sampling plans. Neighbors expect facility regulators to require the company to generate an updated 2023-24 GW SAP that includes monitoring for contaminants identified through the on-going MTCA investigation and cleanup, as well as the landfill fires, and newly confirmed PFAS and incorporate the changes to state law for ground water sampling. Why in August, 2023 did DTG again be allowed to submit the outdated 2007 GW SAP, and for the YRCAA to present this outdated document to the public, without acknowledging in the application that this GW SAP is not the appropriate groundwater sampling procedure, and that an updated GW SAP has been or is being developed for this site.

I first raised DTG's reliance on, and regulators acceptance of, the submission of this outdated GW SAP with applications in 2020, and more recently via email May 18th & 19th, 2022, pasted below on the following pages. My concerns are discussed and then advanced by Ecology (James Rivard & Luke LeMond) with Hasan Tahat. Although Hasan categorizes my concern as jurisdictional, i.e., unrelated to air quality, and therefore the platitude of Ecology, the state agency disagrees, and points out how the air monitoring needs to capture what is really happening at this facility, and not to rely on the same typical monitoring that was used here and didn't detect ANY of the toxic air quality reported by

neighbors over years and confirmed by ambient air and soil gas sampling in December 2021 and July 2022, which along with temperature detections, led to the LPL MTCA area determination and confirmation of at least two landfill fires.

The following pages (2 thru 6) are the email messages, sequentially, from most current to the first email initiated by me on May 18th 2022 3:38 pm to YRCAA and Ecology regarding why the NSR Application should include an updated GW SAP. The highlighted yellow text are key critical comments from Ecology to YRCAA.

From: Hasan Tahat <hasan@yrcaa.org>
Sent: Thursday, May 19, 2022 12:25 PM
Cc: Wade Porter <wade@yrcaa.org>
Subject: FW: DTG GW SAP

James,

For sure, you guys can really ask for what your needs, i.e., health and OSHA regulations requirements are. In our case it is a little different as it is LPL. At any rate, I will cc you with our letter when I send it out. Thanks.

From: Rivard, James (ECY) [<mailto:JRIV461@ECY.WA.GOV>]
Sent: Thursday, May 19, 2022 12:01 PM
To: Hasan Tahat; LeMond, Luke (ECY)
Cc: Rounds, Megan (ECY)
Subject: RE: DTG GW SAP

One the recommendations that we will probably make is doing the probe sampling at least twice under different barometric events, to help ensure something wasn't missed if only done once. As you know changes in barometric pressure and other environmental conditions can effect sampling. Landfills somethings can exhibit an inhale / exhale effect with changes in barometric pressures and landfill gases. It could help explain why odors come and go.

We want to ensure the probe sampling planned is compressive to identify species of VOC's, and includes H2S and CO. The CO testing is critical to help determine if a underground landfill fire might be present.

We have talked briefly (on a high surface level) with the company about the difference between probe sampling to capture emissions to help satisfy YCRCAA, but further continuous monitoring maybe needed to ensure any 24-hour exposure is safe by health or OSHA regulations.

From: Hasan Tahat <hasan@yrcaa.org>
Sent: Thursday, May 19, 2022 11:40 AM
To: Rivard, James (ECY) <JRIV461@ECY.WA.GOV>; LeMond, Luke (ECY) <llem461@ECY.WA.GOV>
Cc: Rounds, Megan (ECY) <MROU461@ECY.WA.GOV>
Subject: RE: DTG GW SAP

James,

I am working on our letter on and off, as I can, with the other works I have. You will get a copy of the letter when I sent it. The only reservation I have for GW SAP it is within the WAC 173-350, I believe. We do not have authority on that for GW. But I will be more than happy to answer or help in this issue. Of course, I can read your letter, and give some input if you like. Thank you.

Regards,
Hasan

Hasan M. Tahat, Ph.D.

Interim Executive Director
Compliance, Engineering and Planning Division Supervisor
Yakima Regional Clean Air Agency
186 Iron Horse Ct. Suite 101. Yakima, WA. 98901
Tel: (509) 834-2050 ext. 105
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From: Rivard, James (ECY) [<mailto:JRIV461@ECY.WA.GOV>]
Sent: Thursday, May 19, 2022 11:26 AM
To: Hasan Tahat; LeMond, Luke (ECY)
Cc: Rounds, Megan (ECY)
Subject: RE: DTG GW SAP

Hi Hasan,

I think we will be sending out another letter early next week, so if you wanted to read that before your send out yours, you are welcome to if it helps.

From: Hasan Tahat <hasan@yrcaa.org>
Sent: Thursday, May 19, 2022 11:12 AM
To: LeMond, Luke (ECY) <llem461@ECY.WA.GOV>
Cc: Rivard, James (ECY) <JRIV461@ECY.WA.GOV>; Rounds, Megan (ECY) <MR0U461@ECY.WA.GOV>
Subject: RE: DTG GW SAP

Thank you Luke!

From: LeMond, Luke (ECY) [<mailto:llem461@ECY.WA.GOV>]
Sent: Thursday, May 19, 2022 11:00 AM
To: Hasan Tahat
Cc: Rivard, James (ECY); Rounds, Megan (ECY)
Subject: RE: DTG GW SAP

Unfortunately, the latest information I have is from the December and January gas surveys where VOCs were detected. I am working to get updated groundwater data, but due to the location of the wells I am not expecting any new insights from that data. I will give you whatever new information we receive.

Luke LeMond, LHG
Hydrogeologist
Solid Waste Management Program
Washington State Department of Ecology
Central Regional Office
1250 West Alder Street
Union Gap, WA 98903
Cell: 509-379-3961



From: Hasan Tahat <hasan@yrcaa.org>
Sent: Thursday, May 19, 2022 10:56 AM
To: LeMond, Luke (ECY) <llem461@ECY.WA.GOV>
Cc: Rivard, James (ECY) <JRIV461@ECY.WA.GOV>; Rounds, Megan (ECY) <MROU461@ECY.WA.GOV>
Subject: RE: DTG GW SAP

Luke,

Thank you for the information. If you have the latest info from the facility or you will have new one and you could share with us will be appreciated. I do not think we can do much about the GW part or sampling and it analysis. As you know, the voc's and other compounds in GW can give a lot of information and indicators. Please do not hesitate to send us any new submittal to you your office regarding this subject. Thank you.

Best regards,

Hasan

Hasan M. Tahat, Ph.D.
Interim Executive Director
Compliance, Engineering and Planning Division Supervisor
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From: LeMond, Luke (ECY) [<mailto:llem461@ECY.WA.GOV>]
Sent: Thursday, May 19, 2022 10:35 AM
To: Hasan Tahat
Cc: Rivard, James (ECY); Rounds, Megan (ECY)
Subject: RE: DTG GW SAP

Hasan,

I am unfamiliar with all the material that you are reviewing for the NSR, but I would suggest that you not rely on the DTG's existing SAP at all (including the 2020 version). The existing SAP has no analyses of VOC's in air or groundwater, no sulfur compounds, no carbon monoxide, and has not been successful in identifying any methane, which I have no doubt is being produced. In addition, the existing permit does not reference the SAP at all. None of the constituents of concern that have been identified at the site were discovered through routine sampling under the SAP. I suggest that you require whatever analyses you deem necessary, which I imagine includes methane, sulfur compounds, and VOCs, and we will work to make sure that the new SAP and operating permit(s) incorporate your requirements.

As always, we are happy to discuss this with you at anytime.

Sincerely,

Luke LeMond, LHG
Hydrogeologist
Solid Waste Management Program
Washington State Department of Ecology
Central Regional Office
1250 West Alder Street

Union Gap, WA 98903
Cell: 509-379-3961

From: Hasan Tahat <hasan@yrcaa.org>
Sent: Thursday, May 19, 2022 10:24 AM
To: Scott Cave <sccomm@sosmail.us>; Rivard, James (ECY) <JRIV461@ECY.WA.GOV>
Cc: Rounds, Megan (ECY) <MROU461@ECY.WA.GOV>; LeMond, Luke (ECY) <llem461@ECY.WA.GOV>
Subject: RE: DTG GW SAP

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Thank you Scott!

From: Scott Cave [<mailto:sccomm@sosmail.us>]
Sent: Thursday, May 19, 2022 10:19 AM
To: Hasan Tahat; 'Rivard, James (ECY)'
Cc: 'Rounds, Megan (ECY)'; LeMond, Luke (ECY)
Subject: RE: DTG GW SAP

Hi Hasan

While I agree Ecology is the authority for groundwater, DTG's NSR Application before the YRCAA contains the old, 2007 Anderson GW SAP, which may not be compliant with changes in

prepared for DTG for this facility. While Ecology has recommended the SAP be updated to include VOCs which I strongly support, that has not occurred. I wanted you to be aware of this situation because the NSR GW SAP is outdated, and should not have been approved or provided with DTG's Application. Consequently, I respectfully request that DTG's NSR GW SAP be replaced with the February 2020 GW SAP or the updated SAP recommended by Ecology, prior to YRCAA approval.

Scott

From: Hasan Tahat <hasan@yrcaa.org>
Sent: Thursday, May 19, 2022 9:23 AM
To: Scott Cave <sccomm@sosmail.us>; Rivard, James (ECY) <JRIV461@ECY.WA.GOV>
Cc: Carole Degrave <lusciouslupine@icloud.com>; 'Rounds, Megan (ECY)' <MROU461@ECY.WA.GOV>; Kimberly Grieves <Kimberly.grieves@ecy.wa.gov>
Subject: RE: DTG GW SAP

Scott,

Ground Water is Ecology's jurisdiction and I think you got the answer from Megan and Luke. Thank you.
Regards,

state law since. My understanding is the application should contain the February 2020 GW SAP

Hasan M. Tahat, Ph.D.

Interim Executive Director

Compliance, Engineering and Planning Division Supervisor

From: Wade Porter
Sent: Wednesday, May 18, 2022 5:13 PM
To: Hasan Tahat <hasan@yrcaa.org>
Subject: RE: DTG GW SAP

Scott has a valid point.

From: Hasan Tahat
Sent: Wednesday, May 18, 2022 5:00 PM
To: Wade Porter
Subject: FW: DTG GW SAP

What is this about?

From: Scott Cave [<mailto:sccomm@sosmail.us>]
Sent: Wednesday, May 18, 2022 3:28 PM
To: Rivard, James (ECY); Hasan Tahat
Cc: Carole Degrave; 'Rounds, Megan (ECY)'; Kimberly Grieves
Subject: DTG GW SAP

James & Hasan

I'm contacting you both to alert you to a potential issue with DTG's New Source Review (NSR) Application. I notice that DTG's revised January 2022 NSR Application includes an operating plan with an outdated groundwater Sampling and Analysis Plan (GW SAP), dated March 17, 2007. Attached are two recent HWA GeoSciences GW SAPs prepared for the Anderson Limited Purpose Landfill, including one commissioned by DTG, dated February 22, 2020 that was intended to be used for all DTG submissions after that date. As you know, the older plan may not reflect state legislative changes. You may recall that I alerted your agency in mid-2020 to the fact that DTG's LPL permit applications (with Operating Plans and GW SAPs) submitted in March, May and June 2020 included the outdated 2007 GW SAP. I expressed concern that if the agencies approved the permit with the 2007 GW SAP, the company could claim it was allowed to operate under it, instead of the updated version. At the time, the agency acknowledged they overlooked this matter, and assured me it would be remedied without issue. However, because I have found the outdated 2007 GW SAP included with the NSR submission that is under review for approval by YRCAA, and Ecology has not confirmed that they updated DTG's permits to include the 2020 GW SAP, I respectfully request your confirmation that DTG is operating under the 2020 GW SAP, and that your agency will coordinate with YRCAA to ensure the 2020 GW SAP is included with DTG's NSR application.

I appreciate your attention to this matter and look forward to your reply.

Sincerely,

Scott Cave
Representing Carole DeGrave

Comment: An updated GW SAP is required for the LPL, including the never permitted and unlined Phase 1/Cell 1 that contains a state determined MTCA cleanup site and multiple fires, requiring unexpected purchase of neighboring property for remediation. Additionally, Ecology has notified

the YHD that PFAS contaminated soils (743 cy) from the U.S. Army Yakima Training Center were remediated and disposed in Phase 1/Cell 1 between 2003 and 2006, before it was permitted as an LPL. Consequently, the bottom layers of the unlined, unpermitted LPL is likely laden with PFAS contaminated soils. This means any future air and groundwater monitoring system will require a coordinated state and local regulatory monitoring system for this location to prevent another MTCA site in Cell 2. Relying on outdated GW SAPs and SEPA to avoid the first serious review of the current air quality impacts and emerging threat to groundwater from DTG operations is more than disingenuous, as it will allow continued adverse impacts on its neighbors, violating County regulations and permit conditions. Regulators, including the YRCAA, should jointly investigate how DTG created this toxic landfill to protect the public from this situation occurring again. What in the NSR Application addresses DTG's history of non-compliance and known impacts on neighbors? I respectfully request the YRCAA provide the updated GW SAP with the next revision of DTG's NSR Application for public review and comment, and partner with YHD, Ecology and Yakima County to better enforce all local and state permit conditions and regulations.

Comment #2 YRCAA must require an environmental review to satisfy SEPA

None of the above concerns were considered in the referenced SEPA documents from 1992 and 2015, or other SEPA reviews to date, yet here we are considering the first air permit for a landfill that has been in operation as an inert fill and LPL since the 1990s.

The changes on Rocky Top since DTG acquisition have been front page news since September, 2022, with multiple editorials. However, comments from YRCAA staff and DTG at the recent hearing on the company NSR application suggest the agency and DTG are unaware of these articles and editorials, and the heightened level of community concern about Rocky Top air quality. The news coverage by the Yakima Herald Republic and Northwest News Network (NPR) have been highly informative and revealing, and will be submitted separately as support documents.

In comments at DTG's NSR hearing, Ian Sutton, DTG's Engineer and long-time Anderson consultant, informed the community that the 1992 and 2015 SEPA were adequate because "nothing has changed". Review of facility operational changes, required acquisition of neighbor property, record of complaints and facility violations, confirmed adverse air quality, landfill fires, and Model Toxic Control Act cleanup site have occurred during DTG ownership, and support the YRCAA requiring further environmental review. Specific changes include:

- 1) **Addition of a Material Recovery Facility.** Without any public review or comment, DTG was allowed to install a MRF at the working landfill face. By definition, a MRF is located on an impervious surface, in a building with a roof to protect the material from precipitation, a leachate conveyance system from the tipping floor, and ancillary areas to collect the leachate, to control discharge, with pollution control measures to protect air quality. Engineering reports and operations plans are also required. Here, the "MRF" was simply a pick line with no impervious surface, no roof, no air quality controls. While the YHD required DTG to only accept recyclable material at the MRF, and to return non-recycled residuals to the originating jurisdictions for disposal, the company records show no evidence of this required transfer and disposal, confirming what neighbors and some regulators think - that the "MRF" was largely a ruse to reduce regulatory concerns of increased disposal. Can facility regulators name another permitted, uncovered MRF operating at a landfill working face in Washington?

DTG's "MRF" operation helped the company legitimize the huge volume increases for disposal at the LPL (next point) and mismanagement that created the state MTCA designation and ongoing landfill fire(s), and their respective associated investigations, cleanup and remediation. According to YHD, they are requiring the future MRF to be in a building with an impervious floor, and hopefully, comply with all of the other performance standards in WAC 173-350-040.

Comment: The MRF is evolving and the YRCAA can't assess air quality conditions of something that is still being designed, and hasn't been located or built. At this point, shouldn't the MRF component of the NSR Application be removed pending further YHD & DTG MRF planning and approvals? If the MRF is included, this facility operational change is another reason for a new SEPA review.

- 2) **Increased disposal volume and corresponding truck traffic** DTG LPL disposal increased to nearly 500,000 cy in 2021, and 700,000 cy in 2022, a staggering 600% increase over the disposal level the LPL was permitted for in 2007 and again in 2015. To neighbor's horror, the YRCAA is proposing allowing DTG to ramp up annual disposal to 1.0 m cy per year. 1 million cy of waste transported to Yakima from all over the country and Canada for disposal is not anticipated in prior SEPA, and such an increase would easily violate the current vehicle limitations set forth by Yakima County for the LPL, surface mining and PCS remediation site in the *Final Mitigated Determination of Non-Significance (MDNS) for the Anderson CUP 03-112/SEP 03-55; A. Impacts to air quality*, which states:

The proposed mining activity is estimated by the applicant to generate an average of 20-round truck trips per day. As most active mining operations are conducted within a 7-8 month period each year, this estimate would mean that the average number of round trips during the active time of the year would be about 30 (or 60 one-way trips per day). Assuming a 10-hour workday, 7 days a week, this would equate to a truck passing by every 10 minutes. This traffic, combined with the estimated 0-20 round trips per day for the soil remediation use, and 25 round trips per day for the demolition landfill, totals 55-75 round trips or 90-150 one-way tips per day by the various Anderson operations during the 7-8 month period the mining activity mostly occurs. Assuming a 10-hour workday, 7 days a week, this would equate to a truck passing every 4 to 6.6 minutes. If a 6 day workweek was followed, and all other factors were equal, it would equate to a truck passing every 3.4 to 5.7 minutes.

The substantial increases in 2021 and 2022 violated the County vehicle limits for the LPL set at 25 truck trips per day. Higher daily vehicle levels have never been assessed or approved by any regulatory agency. While the County has not enforced the vehicle limits it set, it has also not reconsidered traffic increases in any other county SEPA for this location.

Yakima established these vehicle limits to protect the public, County roads, and control impacts. DTG has been allowed to increase waste disposal and corresponding truck traffic without limitation in the name of free enterprise, but in doing so, they violated the above conditional use permit and created toxic air quality that the YRCAA did not seriously investigate regardless of the hundreds of air quality complaints registered over years with facility regulators (see below). Unfortunately, Yakima County has not assessed vehicle traffic flow to determine whether or not to enforce the above vehicle limits. The significant change

in disposal volumes and truck traffic were not considered in prior SEPA and is a primary reason for a new SEPA review.

Comment: There has been no environmental review of the increased LPL vehicle traffic that has occurred during DTG's ownership. The YRCAA is the responsible agency for air impacts and should require a new SEPA review that assess the proposed increase in waste acceptance, disposal and corresponding vehicle/truck traffic.

- 3) **The landfill footprint has changed and is changing.** Cells will be approved as the facility develops. While the NSR application is for Cell 2, the LPL will be re-structured to accommodate new infrastructure including the presumptive composite liner design of 2 feet layer of clay like compacted soil overlain by a high-density polyethylene (HDPE) 60 mil welded liner. This will require engineering schematics, drawings and reports for construction and future leachate control/conveyance systems. These and other potential landfill construction and engineering alterations will require DTG to reconfigure the 2015 footprint, which it references throughout the application. Doing so presents an inaccurate portrayal of DTG's application scope, site management, and current facility operations, including the landfill's cell development and footprint.

Comment: Has Phase 2/Cell2 been approved for construction by YHD and Ecology? If so, why doesn't the Application reflect the installation of required infrastructure per WAC 173-350-400, including:

- a) Limited Purpose Landfill liner
 - b) Leachate Collection and Control System, including lined Pond
- 4) **PFAS disposal.** Increased study of PFAS toxicity has prompted new stricter federal and state regulations and controls to protect the environment and human health. The U.S. Army Yakima Training Center was allowed to send 743 cy of PFAS contaminated soils to the Anderson facility for remediation and disposal in Phase 1/Cell 1 between 2003 and 2006, before the landfill was permitted as an LPL. Consequently, the bottom layers of the unlined, unpermitted LPL is likely laden with PFAS contaminated soils.

Comment: The level of threat this disposed material poses has increased exponentially since the MTCA determination and landfill fires which are likely to generate toxic leachate that can threaten groundwater resources.

- 5) **MTCA cleanup site under investigation.** This is the beginning of a multi-year process to determine the nature and extent of contamination, and threat it poses to landfill workers, neighbors and the community. The process includes legal agreements, interim actions, a site hazard assessment, remedial investigation, feasibility study, cleanup action plan, engineering design, clean up of the site, future infrastructure for monitoring and site use controls, and on-going review to ensure cleanup is occurring, and opportunities for public participation and throughout the cleanup process. The YRCAA should be working with sister regulatory agencies to reduce and control air quality impacts from the LPL, regardless of which LPL Cell. Remember, the MTCA cleanup is in Phase 1/Cell 1, that YRCAA did not issue an air operating permit for, violating the first and second conditions of CUP2015-00051:

1. *The applicant shall obtain all necessary local, state, and federal permits relevant to the operation of the Limited Purpose Landfill prior to the expansion and commencement of use....*
2. *The applicant must obtain necessary permits from the Yakima Regional Clean Air Agency.*

Comment: When solid waste facility regulators fail to do their job, the community suffers. DTG's neighbors witnessed and reported the company's questionable operations and slipshod management to regulators for years as the company created the MTCA site, and how their hundreds of odor complaints assisted regulatory oversight. They also learned how agencies have not done their jobs in multiple instances at this location, including the YRCAA's abdication of its responsibility to issue this facility an air operating permit or notice of violation. YRCAA should accept its responsibility for air quality and fully evaluate air impacts through a new SEPA review.

- 6) **Multiple landfill fires under remediation.** The toxic fumes and fire reflect suspect disposal, poor landfill management, and weak regulatory oversight. As YRCAA admits, the agency was required to issue an air operating permit for the LPL in 2007 and 2015, and chose not to. This decision does not sit well with neighbors.

Comment: The YRCAA staff comment that they are looking forward, not backward, is an admission the agency wishes to sweep the toxic air on Rocky Top created under its watch because it failed the public and is embarrassed. The agency should be more concerned with understanding how this situation occurred, and repairing its relationship with landfill neighbors.

- 7) **DTG buys neighbor property to control LPL fire.** The lack of normal facility setbacks and management controls for slope and compaction, helped create the LPL fire, which requires remediation. The consultant plan required soil cover and compaction to reduce oxygen and smother the fire. It also required the purchase of adjacent property because the landfill was permitted to be right on top of its neighbors.

Comment: The lack of adequate setbacks and limited groundwater monitoring system will continue to foster conflict with DTG neighbors. The YRCAA should evaluate why this fire occurred, and the air quality threats to be monitored, given what is actually being disposed and management practices, instead of relying on projected hydrogen sulfide modeling based on disposal of 1.0 m cy and questionable assumptions about DTG C&D material loading, compaction and weighing, and the amount of organic, biodegradable waste disposed.

- 8) **YRCAA never issued a required air operating permit or notice of violation.** As noted in the permit and prior comments, YRCAA allowed the Anderson/DTG/Macquarie landfill to operate without the required air operating permit that it today wishes to grant the applicant.

Comment: The agency needs to explain why it chose to allow this landfill with a known capacity to generate adverse air impacts, was not permitted or issued a notice of violation, per state and local regulations.

- 9) **DTG removed the natural soil "alternative liner" approved by YHD.** Ian Sutton, the company's engineering consultant oversaw the purposeful excavation of the Vantage

Interbed, the natural soil layer the company said would remain in place to protect groundwater. This unpermitted excavation added important disposal capacity at the LPL, Sutton's primary concern apparently. The alternative soil layer was approved by regulators instead of the normal prescriptive liner of 2 feet of compacted soil and HDPE, with the necessary collection and conveyance system for removing leachate. Its important for the public and regulators to recognize that DTG/Sutton did not do the right thing and disclose this erroneous excavation to regulators because of its obvious financial benefit to the company with increased air space.

Comment: DTG should have been required to cease disposal immediately in this unprotected, unlined temporary cell when Ecology discovered this egregious violation. The YRCAA should establish permit controls to ensure DTG facility operations and decision-making do not allow similar advantageous permit violations to occur. This unpermitted and suspect excavation was not considered or anticipated in prior SEPA.

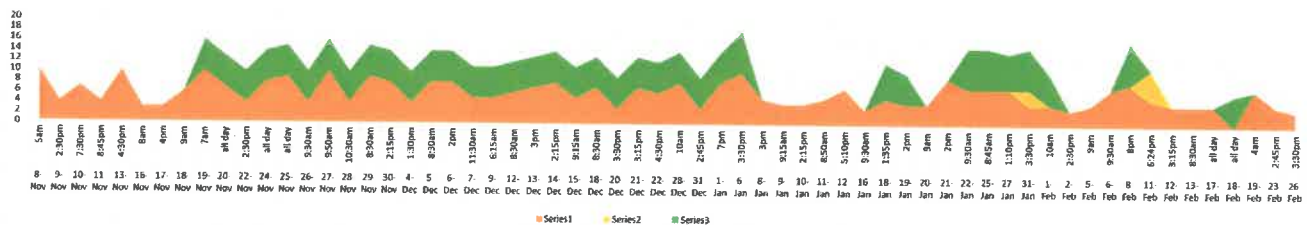
- 10) **DTG removal and redispense of waste in temporary cell.** As noted above, DTG illegally excavated the protective soil layer and the YHD has required the company to remove and redispense of all this material and the soil cover from the temporary cell to a new, lined cell, presumably Cell 2.

Comment: This significant operational challenge was not considered or anticipated in prior SEPA.

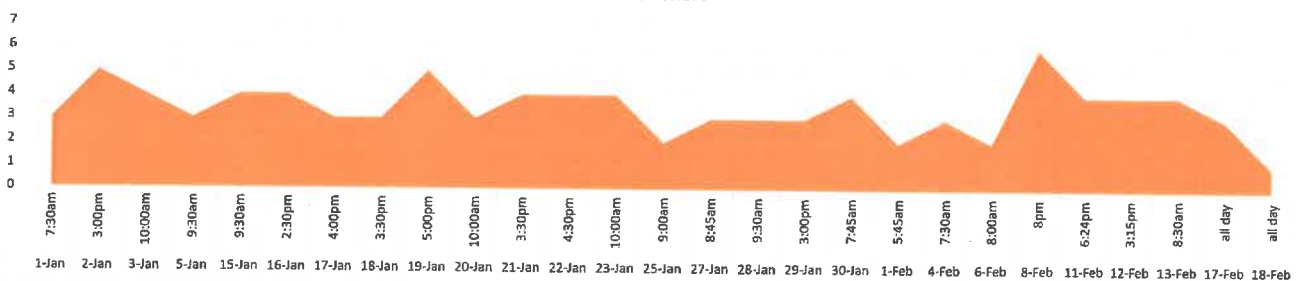
- 11) **Installation of required Vegetative Screening per Vegetative Screening.** The DTG mining area is within 250 feet of the DeGrave residence. The required installation of vegetative screening five years prior to mining in this area to abate known identified air quality impacts has not occurred. The assumption that this nearest residence will be protected because of this condition is no longer valid. Unfortunately, facility management and County planning and code enforcement dropped the ball. Four years after DTG ownership and instead of vegetative screening the company installed blue bins, noticeable in this picture (following page) taken from DeGrave's roof top looking south over the top of her maintained natural shrub steppe property and her self-installed and maintained, largely deciduous grove of trees. Currently, there are no plans for installation of this required screening.



Fortunately for regulators, DeGrave has documenting daily residential adverse odors since mid 2020. Here's an example of the charts she has provided to regulators:



1-1-22 to 2-18-22
odor chart



ODOR SCALE

- 1- MINIMAL BUT AWARE OF IT
- 2- NOTICEABLE
- 3- OBTRUSIVE
- 4- VERY IRRITATING
- 5- SICKENING
- 6- VERY SICKENING
- 10- DEFINITE BODY RESPONSE- EYES WATERED, THROAT AND NOSE BURNED, IMMEDIATE HEADACHE

Comment: The application should acknowledge the County required screening has not been installed or established per the required timing, five (5) years prior to the beginning of mining operations, and that the lack of this required mitigation must be addressed prior to commencement of the planned crushing and grinding.

Overall Comment: All of the above require operating plans that have not been developed or included with this application. How can the public evaluate this proposal when it isn't available for review? These changes under DTG ownership were not considered in prior SEPA and require the YRCAA to request a new SEPA review.

Comment #3: Stockpiling of concrete and asphalt for grinding w/out County required vegetative screening violates DeGrave

DTG and its contract manager Granite have been stockpiling concrete and asphalt for months, and although the YHD issued a letter for them, neighbors continue to report additional material delivered to the site and these piles. This area is planned for future disposal. Regarding the citing of solid waste facilities and protecting neighbors, Yakima County Code Title 19 Unified Land Development Code, 19.18.440 Solid Waste Handling and Disposal Sites:

(b) provide for the protection and preservation of land uses that might be adversely impacted by solid waste handling and/or disposal

Regarding the air quality impacts from future crushing of this stockpiled inert material, the YRCAA should be aware of Anderson CUP 03-112/SEP03-55, Findings & Decision (e) Impacts to air and water quality states: *The crusher and asphalt plant will be located at least 1,500 ft from any residence.*

ANY odors that leave DTG's property violates the facility air permit. As has been identified in her numerous complaints filed with facility regulators regarding noise, dust, after hours operations, litter, and especially eye-watering, headache generating odor impacts since DTG ownership which include charts of daily odor levels (scaled) from her residence over years. Yet, YRCAA has visited only once and Yakima County Public Services or Code Enforcement have never visited her location. After reporting daily violations for years, regulators should visit this close location that they permitted to be inundated with operational impacts to truly understand this growing nightmare for her and nearby neighbors.

It is clear by review of the site map and proposed cell development plans, DTG intends to create a large mountain of waste in the current mining area near DeGrave's residence and the Herke Orchards. Walking neighboring property, it becomes clear how the facility development and topography create the conditions observed in odor complaints submitted from facility neighbors, and how it will worsen if the facility is allowed to expand into the current mining area and onto the adjacent 240-acre parcel Rocky Top proposed for mining and future landfill.

Comment: As the above DeGrave air quality daily records demonstrate, regulators have failed to prevent adverse impacts from DTG's LPL, PCS and mining operations on its closest neighbor, Carole DeGrave, whose property is specifically protected by the above land use code and the required vegetative screening. What happens when these protections are not in place as required? Where in the permit does YRCAA assess the huge stockpiles of inert material, and address the future emissions and this 1,500 ft setback from residences as required by the above land use approval?

Comment #4: Same staff, same operations, same results ahead

DTG's outdated and inaccurate permit application and retention of the same facility staff (Dan Guimont, Brooks Franklin and Ian Sutton) sends a clear message to the community – that the company intends to operate the landfill just as it has in the past, with the same key staff in control of flow of materials and facility operations, including disposal and engineering, monitoring, and waste acceptance, odor control, etc., which all rely heavily on an honor system.

Importantly, material transported from DTG facilities outside of Yakima to the Yakima LPL and MRF are not allowed to dispose of any residual waste at this landfill. Regardless, DTG never shows this required outgoing waste stream in their annual reports, or explain in their operations plan how waste is set aside, reloaded, and transferred to Snohomish, King, Pierce, Kitsap, Island, Thurston and other jurisdictions where this material originates and is required to be disposed. Consequently, it's likely this out of county recycling waste has been disposed here, in violation of the operating permit and contributed to the state Model Toxic Control Act cleanup designation in September, 2022.

Operationally, this DTG trio oversee tremendous disposal, complaints, violations and routinely failed to properly manage and dispose of material brought to the facility (see photo below of DTG's tipper and waste disposal operations on Rocky Top, 2021).



The NSR and Operating Permit assumes that DTG should be allowed to continue to operate this LPL as it has over the past four years regardless of the facility and operational changes, including infrastructure and management of a landfill fire and toxic cleanup site and associated plans and approvals.

Dan Guimont, Founder & owner retired in October 2022 after selling DTG to Macquarie, earning him a reported \$100+ million. However, the company's fortunes changed sharply when Macquarie learned of DTG's pump and dump scheme to flow tons of material to an unlined, gaseous disposal site under investigation with huge uncertain costs ahead. Guimont was forced out of retirement to address DTG's problems surfaced this spring, leading to high profile losses including CEO Tom Vaughn, Associate General Counsel, John Martin and Mike Sheldon, Chief Compliance Officer.

Ian Sutton, DTG Engineer, was the engineering consultant for Ron Anderson, including providing testimony in support of the alternative liner and minimal air monitoring. In the Yakima County Hearing Examiner's review of the 2008 Anderson LPL (CUP 08-074; SEP 08-0041; PRJ 08-0801) dated April 29, 2009, when the Yakima Health District and Ian Sutton were asked why gas monitoring wells were not required for the Anderson landfill, here's what they testified:

Ted Silvestri's said:

"that methane gas monitoring wells are not necessary in this climate where there is not much moisture."

and Ian Sutton, Brown & Caldwell engineer who prepared both the Anderson 2008 LPL application and the 2015 LPL application, added:

"agreed that methane gas monitoring wells are not required for this facility because the material that is accepted is mainly inorganic material that does not break down so as to generate methane and would not become explosive in any event due to the lack of any barriers confining it below the surface. He indicated that there nevertheless will be quarterly ambient tests with a handheld device to detect and monitor the presence of methane at the site."

In December 2021, Freestone Environmental confirmed presence of toxic odors from the landfill that have been inhaled daily by Carole DeGrave (see her daily odor reports) and her Rocky Top neighbors and trail users, violating County codes. Why did these gases generate here at these toxic levels? Neither the YRCAA or Ian Sutton want to answer that question for good reason; investigating will only reveal the real picture of what was disposed, the failure of regulatory oversight to prevent the landfill from suspect disposal and landfill operator (Brooks Franklin) mismanagement that led to the LPL fire, according to DTG's own landfill fire experts:

"In reviewing the Parametrix data set, LFCI notes that oxygen levels in all of the sampling locations were above 20%, indicating that substantive air intrusion into the landfill was occurring."

"It is apparent that due to steep side slopes and poor soil cover, conditions at the DTG site were ideal for spontaneous combustion to develop."

Comment: Why should the public believe that the DTG management and operational team that caused the current facility problems and decision-making will operate this facility any different? How will facility regulators ensure this team does not create another MTCA site on Rocky Top?

II. YRCAA's proposed Order of Approval

Comment 1 Proposed Air Monitoring and Remediation Plan

Landfill permits and operational documents generally include language specifying whenever landfill gas (methane [fire/explosion risk] and H₂S [odor & other risks]) pose a risk to human health and environment. As a result, remedial actions (including monitoring) are required. Landfill gas concerns at DTG's LPL have been well known to the surrounding communities and the general public well

before this initial new source review application was submitted and the resulting associated permit was drafted.

Comment: Therefore, the agency can and should list those remedial actions (H₂S, CH₄ and PM) as permit conditions based on a written remediation plan that DTG should draft and submit to the permitting agency. Negotiations over permit conditions between the permittee and the agency should occur only after the remediation plan is submitted. The onerous is on the permittee to determine how they are going to mitigate for the pollutants associated with their industrial activity. To date I am not aware of such a remediation plan that properly addresses the how DTG is proposing to protect the environment and public health.

During the September 26th Public Hearing Hasan Tahat provided minimal details on the proposed monitoring program for dust particulates and H₂S, and specifically how the permittee monitoring or "sampling" would occur. Specific to H₂S considerations for location, weather conditions, sampling technique (distance from ground), and SOPs (Standard Operating Procedures), must be addressed and documented in a written plan provided by DTG. This should be included in the remediation plan mentioned above. Additionally, it was not made clear how the agency would receive and review the data once it is submitted by DTG. Those types of important details are needed to provide transparency to the public. Without a written procedural sampling plan there will be no accountability by the permittee. Due to the lack of information provided is it unclear as to what guidance documents or industry best practices were used in develop this permit condition for sampling.

For an example of an odor control plan, I will submit the SCS Engineers plan prepared for *Orange County Utilities Department Solid Waste Division, March 2016*. I would note this plan is very detailed and ideally, the YRCAA could develop something similar to the air permit that includes the means and methods for odor control and monitoring.

ODOR CONTROL PLAN

Prepared for Orange County Utilities Department Solid Waste Division

March 2016

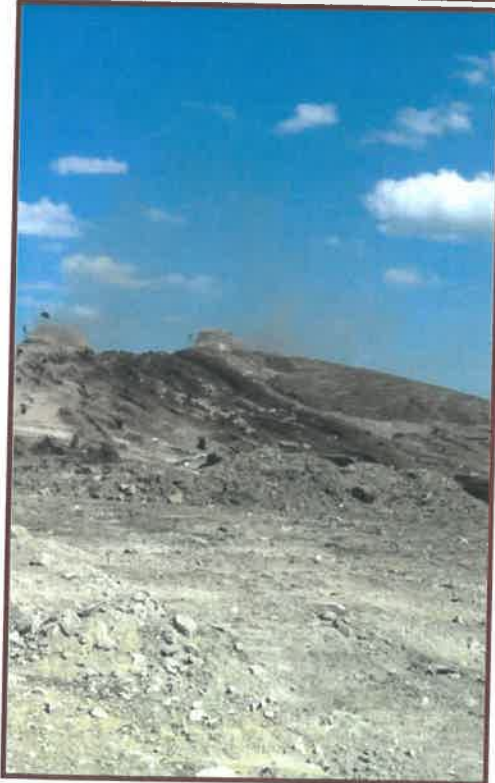


TABLE OF CONTENTS

INTRODUCTION	1
Existing Landfill Gas Collection System at Cell 9-12 and Regulatory Requirements	1
IDENTIFYING THE PRESENCE OF ODOR.....	1
Community Odor Complaints.....	1
Odor Complaint Investigation.....	2
Self-Inspection	2
Routine Daily Odor Monitoring.....	2
Weekly Odor Monitoring.....	2
Collection of Weather Data	3
BEST MANAGEMENT PRACTICES FOR ODOR CONTROL	3
Operational Best Management Practices (BMP)	3
Gas System Expansion and Operations	4
Stormwater Runoff Management.....	4
REPORTING	5
Quarterly Reports.....	5
ODOR MITIGATION EFFORTS	5
UPDATING OPERATIONS PLAN.....	5

INTRODUCTION

Over the summer of 2015, odor complaints from communities around the Orange County Solid Waste Management Facility (Facility) increased notably. Orange County has allocated additional resources and implemented administrative/engineering controls to minimize potential impacts to the surrounding community in accordance with Rule 62-701.530 of the Florida Administrative Code (F.A.C.), Gas Management Systems and Rule Subsection 62-296.320(2) F.A.C., Objectionable Odor Prohibited. To aide Facility operations, the existing Odor Control Plan is being updated to better respond to odor issues in the future.

Existing Landfill Gas Collection System at Cell 9-12 and Regulatory Requirements

The Facility is subject to Title V requirements under the Federal Clean Air Act. In accordance with the requirements of the Title V regulations (40 CFR Part 60), Orange County constructed and operates a landfill gas (LFG) collection and control system (GCCS) in the active bays of Cell 9-12. The active GCCS is operated in accordance with Florida Department of Environmental Protection (FDEP) Permit No. 0950113-008 AV (Title V) issued in April 2014 Permit No. 0128169-037-SO-01 (Solid Waste) issued in September 2014.

Orange County began disposal operations in Cell 9-12 in January 2005. Approximately 112 acres of the Cell 9-12 landfill have at least one lift of waste disposed in it. From the beginning of construction of Cell 9-12 and before requirement by permit, LFG collection was initiated for odor control as a good-neighbor initiative by the County. The system included constructing horizontal gas collection pipelines to draw the gas from the landfill and convey it to an onsite flare station. The GCCS was continually expanded with additional horizontal collectors and new vertical gas extraction wells as waste lifts were completed. In 2009, the County entered into a long-term agreement with OUC for beneficial use of the LFG generated in Cells 9-12 as supplemental fuel for the generation of power at the Curtis H. Stanton Energy Center (Stanton). By December 2011, OUC completed construction of a processing facility adjacent to the Cell 9-12 landfill to dry and pressurize the LFG for transmission to Stanton. As of the writing of this report in early 2016, OUC is expanding the processing facility to double the amount of LFG that can be collected from the landfill. This will create additional odorous gas control.

Cell 9-12 is filled with solid waste in a stair-step fill sequence in accordance with permitted operations. As of mid-2014, the County has deposited approximately 7.3 million cubic yards of solid waste in Cell 9-12.

IDENTIFYING THE PRESENCE OF ODOR

Community Odor Complaints

All community odor complaints received by the landfill are logged in an electronic database. Individuals are encouraged to provide their name, address, date, and time of the odor occurrence. Complaints that do not provide this basic information cannot be investigated. However, these complaints will be logged in the record of complaints.

Complaints are investigated as soon as practical, within the limits of safety protocols and site logistics. The following actions are taken:

- Complaints received during the typical workday are investigated by the Landfill's Environmental Management staff.
- If a community odor complaint is verified by the Landfill's Environmental Management staff, then Operations personnel at the landfill are notified.
- Operations personnel will perform the onsite odor source investigation.

Results of the investigation will be analyzed for odor trends. This information is useful to schedule self-inspections and understand potential site problems.

Odor Complaint Investigation

A Jerome meter (i.e. Arizona Instrument's Jerome 631-X Hydrogen Sulfide Analyzer) is used to measure hydrogen sulfide (H₂S) levels at suspected odorous locations. H₂S serves as a surrogate for odor because it is a common component of LFG, noticeable and recognizable to the human nose at low concentrations, and detectable by instrumentation below the odor threshold. H₂S has a distinctive rotten egg odor and is produced from the biodegradation of landfill contents.

Self-Inspection

The primary objective of self-inspection is to identify and minimize odors from the Facility before it affects the surrounding communities. This is accomplished through the use of routine self-inspections by Facility personnel.

Routine Daily Odor Monitoring

Odor monitoring will be performed at least 3 days during the work week by Facility personnel. One of the monitoring days shall be Friday. The monitoring will be conducted along the perimeter of Cell 9-12 during the morning and before the landfill closes. The location and intensity of odors will be documented in a daily log, with verbiage such as "no odor", "slight odor", "moderate odor", or "strong odor". In addition, wind intensity and direction will be estimated.

When Facility personnel detect an elevated odor of sufficient intensity that could lead to detection offsite, they will report the elevated odor to their Supervisor. The Supervisor then investigates the source. The investigator will inform the proper staff so that the problem area can be addressed by Operations personnel.

Weekly Odor Monitoring

Approximately once per week, Environmental staff performs monitoring of selected sites within the Facility and surrounding communities. The results will be documented in a log. The weekly odor monitoring sites have been selected based on complaint history, and sites will be added as necessary based on monitoring results and historical complaint records.

The weekly monitoring events are typically completed within two hours of sunrise. This is because as the day progresses, rising temperatures create erratic wind shifts and increased wind velocity. The collection of early morning samples creates a worst case bias. Winds are relatively calm and the heavier LFG components (including H₂S) have settled to the ground causing the highest potential for odor problems. In order to allow some leeway in sampling, sites are not exact latitude/longitude coordinates. Therefore, a site location may vary by a few hundred feet.

Collection of Weather Data

The Facility has three weather stations capable of recording rainfall, temperature, and wind direction. This data is used to assist in determining the potential impact of weather on gas emissions. Additionally, the weather data is useful to determine potential downwind odor impacts, the source of odor, and its severity. This is because calm winds tend to equate with higher offsite odor potentials. Strong winds tend to increase mixing and dilute H₂S concentrations.

Weather data records help sort multiple complaints occurring on the same date. Complaints received by the Facility will be crossed checked with the weather data recorded. Weather data records are stored on file at the Facility.

BEST MANAGEMENT PRACTICES FOR ODOR CONTROL

Operational Best Management Practices (BMP)

Current and past landfill operations at the Facility follow approved industry standards. However, changes to landfill operations over the past three years have inadvertently contributed to odor generation. As a result of the odor, the Facility has implemented the following BMPs to minimize odors:

- No mixing of Class I waste with Class III waste is allowed at the Facility because of its propensity to increase H₂S generation.
- Six-inches of daily soil cover instead of FDEP approved reusable tarps.
- Additional cover and sod will be added to landfill slopes and top area to help reduce wind and water erosion.
- Daily placement of additional soil cover material in areas suspected of generating odors.
- Construction of final cover on portions of the landfill as it reaches final elevation.
- Utilize as small an active face as practical to minimize open garbage areas and reduce potential odor release.
- No waste disposal operations at top of landfill (above treeline) during rainy/hot season. Heat during summer causes additional odors during waste disposal operations.
- To help minimize odors generated from sludge received from the wastewater treatment plants, the Facility will not accept sludge after 3:00 pm. This time limitation allows

sludge to be mixed with regular waste at the active area during placement and covered with additional waste before being covered with the soil at the end of the day.

- Mobile and stationary misting systems are used around the Facility to mitigate odors from the landfill. Solutions placed through the misting system have the ability to neutralize odorous particles.

Gas System Expansion and Operations

The existing GCCS consists of horizontal collection pipelines and vertical extraction wells that convey the LFG to a processing facility and then is sent to OUC for use as fuel. The County continues to install horizontal collectors within each lift of waste. Vertical wells are also installed during the filling of the cells as waste depths increase. The horizontal collectors and vertical wells are connected to the existing perimeter gas collection header.

- Trained LFG technicians identify maintenance issues and equipment/materials onsite for repairs.
- An operation and maintenance program for the GCCS includes expansion of the system, required scheduled maintenance, and preventative maintenance. The preventative maintenance program includes inspections of the gas extraction wells, wellhead assemblies, lateral and header pipes, gas condensate removal units, and control valves.
- The County will continue to expand the GCCS as needed.
- Horizontal collection pipelines are constructed at the Facility specifically for odor control. Horizontal collectors normally work for a limited period of time and are eventually abandoned when efficiency decreases to an unacceptable level. Abandoned horizontal collectors are replaced by vertical wells.

Stormwater Runoff Management

Moisture introduced into the landfill through rainfall can reduce gas recovery and increase bacteriological activity, which can result in odor release long after a rain event.

- A preventative maintenance program includes timely inspection and maintenance of the stormwater management devices (e.g. step terraces, letdown pipes, and terminal structures on the active landfill cells) as well as inspecting and testing facility equipment and systems for conditions that could contribute to the breakdown or failure of the stormwater system. The program includes inspections of the stormwater retention system for vegetation, sediment buildup or debris deposited in the pond structure, and any erosion damage to pond structures. Inspections are conducted by qualified personnel trained in the design and construction of the stormwater system. Although the inspection program outlines monthly observations, more frequent inspections will occur during the rainy season. Additionally, all employees make observations of problems with the stormwater systems during their daily duties.
- Continue to upgrade and maintain stormwater drainage system.
- Continue to monitor proper operation of the leachate collection system.
- Maintain slopes from 2% to 5% to encourage runoff and minimize erosion.

REPORTING

Quarterly Reports

The Facility will prepare and submit quarterly reports to the FDEP. This report will include the following items gathered over the previous 3 months.

- Log of odor complaints, with time and address of odor, received by County personnel.
- Log of weekly landfill odor monitoring results.
- Log of weekly community H₂S monitoring results.
- Summary of odor control activities.

Quarterly reports will be submitted to the FDEP within 30 days after each quarter (e.g. the January through March report would be due to the FDEP by April 30).

ODOR MITIGATION EFFORTS

When offsite odors necessitate the implementation of the odor mitigation and control practices outlined in this plan, the effectiveness of these methods will be evaluated and documented for use by the management staff in determining the effectiveness of each method.

In the event that a mitigation method is attempted and found to be ineffective, another mitigation method will be attempted and/or outside experts will be contacted until the facility is successful in controlling odor.

UPDATING OPERATIONS PLAN

This Odor Control Plan will be continuously updated to ensure that all activities available to help monitor and combat odors at the landfill are documented. Additionally, the Solid Waste Operation Plan will be updated with the Odor Control Plan and submitted to the FDEP.

Elizel Reynoso

From: Jean Mendoza <jeanmendoza@icloud.com>
Sent: Wednesday, October 25, 2023 4:12 PM
To: Permits
Subject: Rocky Top
Attachments: FOTC Comments re Rocky Top II.pdf

Hello YRCAA,

Please see the attached comments regarding the DTG limited Purpose Landfill. Would you reply to this submission to confirm receipt?

Thank you.

Jean Mendoza



Friends of Toppenish Creek

October 25, 2023

Yakima Regional Clean Air Agency
186 Iron Horse Ct #10
Yakima, WA 98901

Public Comment re New Source Review for DTG Limited Purpose Landfill

Dear Yakima Regional Clean Air Agency,

Friends of Toppenish Creek (FOTC) is a 501 C (3) non-profit group dedicated to protection of the air, water, soil, plants, animals and people of Yakima County.

This is an FOTC request for the Yakima Regional Clean Air Agency (YRCAA) to delay issuance of an air quality permit for a Limited Purpose Landfill (LPL) at 41 Rocky Top Road, Yakima WA, until a proper review under the WA State Environmental Policy Act (SEPA) has been completed. On a scale of 0 to 10, the importance of our request is a 10. For too long Yakima County and the YRCAA have treated SEPA like a nuisance.^{1,2} In reality SEPA is designed to protect us from exploitation by people who would take advantage of our good nature and use our county as a cheap dumping ground.

¹ In June 2019 the Yakima Regional Clean Air Agency (YRCAA) issued a New Source Review permit for Ostrom's Mushrooms to install five new boilers for the Ostrom facility. According to an email received through a public record request,

The Port of Sunnyside MDNS is what Ostrom used to satisfy the SEPA. The City of Sunnyside signed off on this.

In 2021 this was the YRCAA response to a complaint about odors from Ostrom's Mushrooms:

Description alleged violation: CP says that the Ostrom Mushroom facility is causing extremely bad "rotting" odors.

Findings: I parked in the parking lot for about 30 minutes and did not smell any "rotting odors". Odor level 0 – no odors present.

Actions taken: RL-4 Ostrom Mushrooms is an agricultural entity and thus is exempt from odor and dust complaints as stated in RCW 70A.15.4530

² In May 2023 the City of Sunnyside asked the YRCAA to provide comments as an agency with expertise on a SEPA Review for a Renewable Natural Gas Bio-digester. YRCAA later said staff must have mislaid the request, thus YRCAA did not provide air quality input on this SEPA threshold determination and air was not addressed. According to the YRCAA Regulation 1 page 8, approval of SEPA documents is the responsibility of the YRCAA Air Pollution Control Officer (APCO).

Washington Law

Washington SEPA law, RCW 43.21C.010, states:

The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between humankind and the environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and [to] stimulate the health and welfare of human beings; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation.

1. WAC 197-11 implements SEPA and WAC 197-11-920 states that Regional Clean Air Agencies are agencies with expertise for air. Thus, YRCAA is responsible for thoroughly evaluating the impact this Limited Purpose Landfill (LPL) will have on the Yakima environment and our quality of life. YRCAA cannot do this without a well done threshold determination and, in our opinion, a well done environmental impact statement (EIS).

2. It would be a blatant abdication of duty for the YRCAA to rely on a 2015 Threshold Determination of Non-Significance (DNS).³ The fact that fires are burning beneath the landfill site is evidence that the 2015 DNS was inadequate. An underground fire is a *significant adverse environmental impact*, as defined in WAC 197-11-794. Few of the details in the 2023 DTG permit application were available, or even known, in 2015.

3. WAC 197-11-060(4)(c) says,

Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects.

In 2015 the Yakima Health District (YHD) apparently did not believe that a synthetic liner was necessary to protect groundwater. Now YHD does. The 2015 site plan in Figure 1 of the DTG permit application is quite different from the 2023 site plan in Figure 4. The 2015 SEPA Review did not and could not address the impacts that are evident today. The 2015 SEPA review is outdated and no longer pertinent.

4. FOTC has studied WAC 197-11-253 through WAC 197-11-268. Based on this reading we asked whether a new SEPA review is required for the area being addressed under the Model Toxics Control Act (MTCA). The MTCA area did not exist when the 2015 SEPA review was conducted.

5. WAC 197-11-330 says that an Environmental Impact Statement (EIS) is required when:

(2) In making a threshold determination, the responsible official should determine whether:

³ FOTC still has been unable to find the environmental checklist for this DNS.

- (b) Environmental analysis would be more useful or appropriate in the future in which case, the agency shall commit to timely, subsequent environmental review, consistent with WAC 197-11-055 through 197-11-070 and Part Six.*
- (3) In determining an impact's significance (WAC 197-11-794), the responsible official shall take into account the following, that:*
- (c) Several marginal impacts when considered together may result in a significant adverse impact;*
 - (d) For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted or values cannot be quantified.*
 - (e) A proposal may to a significant degree:

 - (i) Adversely affect environmentally sensitive or special areas, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness;*
 - (ii) Adversely affect endangered or threatened species or their habitat;*
 - (iii) Conflict with local, state, or federal laws or requirements for the protection of the environment; and*
 - (iv) Establish a precedent for future actions with significant effects, involves unique and unknown risks to the environment, or may affect public health or safety.**

These criteria and risks apply to the proposed DTG landfill, thus a new SEPA review is warranted. WAC 197-11-400 – Purpose of EIS - applies to the proposed DTG operation.

6. RCW 43.21C.020 states:

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;*
- (b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;*
- (c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;*
- (d) Preserve important historic, cultural, and natural aspects of our national heritage;*
- (e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;*

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The DTG landfill impinges on the Cowiche Canyon Nature Conservancy, a unique and irreplaceable area. An EIS is necessary to determine the impact on: Odor; Climate; Plants and animals; Habitat for and numbers or diversity of species of plants, fish, or other wildlife; Unique species; Fish or wildlife migration routes; Scenic resources; Aesthetics; Recreation; Historic and cultural preservation; Parks or other recreational facilities, all of which are listed in WAC 197-11-444. Despite many, many comments from people who claim their connection with nature in Cowiche Canyon, this aspect of SEPA is absent from the documents that promote the DTG LPL.

Accountability

1. The 2015 Conditional Use Permit (CUP) for this LPL stated:

The applicant must obtain necessary permits from the Yakima Regional Clean Air Agency.

A New Source Review (NSR) application must be submitted to YRCAA, and an order of approval permit must be issued prior to the start of any work

Yet, it appears that this did not happen. The 2023 YRCAA NSR Draft Permit states in Section 1.9:

The Facility had never been issued Order for LOL operations by the YRCAA office; thus this expansion is subject to NSR requirements and considered after the fact.

As a point of interest, how can the public hold officials accountable for failure to do what they promise?

2. The 2015 CUP for this LPL stated that a liner for an LPL is not required if:

Explosive gases generated will not exceed 25 percent of the lower explosive limit for the gases in facility structures, the lower explosive limit in soil gases or ambient air at the property boundary or beyond, or 100 parts per million by volume of hydrocarbons in offsite structures.

Now, in section 3.3.6, the YRCAA proposed NSR permit requires DTG to:

Take weekly methane ambient air readings at the property boundary which shall not be between Lower Explosive Limits (LEL) and Upper Explosive Limits (UEL) of 5 – 15%.

Trust is lost when agencies state permit conditions, do not follow through and then quietly dilute agreed upon conditions later.

Details

1. Section 1.13 of the Proposed Draft Air Permit: Please itemize the relevant sections of the Federal Clean Air Act.
2. In 2009 a massive landslide, about twenty miles northwest of Rocky Top, blocked Highway 410 and rerouted the Naches River.⁴ A possible cause was gravel mining in the immediate area. A smaller slide into Highway 410 followed in 2012. In 2018 a hillside next to the Yakima River just south of Union Gap began sliding into a gravel mining operation. This slide continues today.

WAC 173-350-400(3)(a) says: *No landfill may be located over a Holocene fault, in subsidence areas, or on or adjacent to an unstable slope or other geologic features which could compromise the structural integrity of the facility*

Please provide documentation with proof of geological stability at the proposed DTG site. Given the findings that deeper geology impacted the 2009 landslide, it would be prudent to conduct deeper studies of the geology beneath the DTG operation

3. Section 3.2.2 of the Proposed Draft Air Permit references the Model Toxics Control Act (MTCA) but does not itemize specific sections. When you reference the MTCA do you include both RCW 70A.305 and WAC 173-340 in their entirety? These are long complex statutes. It places a huge burden on readers to study them and determine which sections apply to DTG. Greater specificity would be helpful.
4. The DTG permit application says on page 9:

DTG intends to discontinue acceptance of PCS until such a time as an Order of Approval can be obtained from YRCAA.

The DTG permit application then delineates procedures for petroleum contaminated soil (PCS) treatment and disposal. DTG says:

Approved PCS will be dumped by the hauler at the PCS remediation site

But the draft permit says in section 1.9:

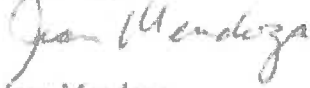
⁴ THOMAS C BADGER, ERIC L SMITH, STEVE M LOWELL; Failure Mechanics of the Nile Valley Landslide, Yakima County, Washington. *Environmental & Engineering Geoscience* 2011;; 17 (4): 353–376. doi: <https://doi.org/10.2113/gseegeosci.17.4.353>

The PCS operation is not part of the Order as the Facility will not be permitted to accept any PCS as it ceased operation.

Please clarify: Is there a possibility that DTG will resume treatment of PCS materials in the future?

Thank you for considering FOTC concerns and for protecting air quality in Yakima County.

Sincerely,

A handwritten signature in cursive script that reads "Jean Mendoza".

Jean Mendoza

Executive Director, Friends of Toppenish Creek
3142 Signal Peak Road
White Swan, WA 98952