

To: Marc Thornsberry; E.D. for Yakima Regional Clean Air Agency (YRCAA) ✓
The Washinton State's Attorney Generals Office

From: Wade Porter; Engineering Specialist -YRCAA

Re: YRCAA's Failure to Protect the the Public from Hazardous and Toxic Air
Pollutant emissions from the Anderson Landfill - currently owned by East
Mountain Enterprises and operated by DTG Enterpries.

I have been employeed with the Yakima Regional Clean Air Agency (YRCAA) for over five years now as an Engineer Specialist. My primary duties are to review New Source Review applications, perform emission calculations' that quantifies emissions, insure emssion control devices are in place to meet regulatory standards, and also help drafting an Order of Approval air permit for the various facilities that may have emissions that could possibly be harmful to the public in the their surrounding area.

When I began working here, now for over five years, there were several existing projects. Most of them have been finalized. Except for three of them; CubCrafters, BioGro, and the Anderson landfill. All of these are still open and may require an Order of Approval to operate. I do beleive that CubCrafters and Anderson landfill will require an Order of Approval air permit to operate. Anderson landfill, now DTG Enterprises, have been operating this whole time during my employeement without an Order of Approval to continue operations. My supervisor has a tedency to let projects linger.

The DTG Facility is the main topic of concern that has led me to file this complaint. I have always contended that this Facility should be shut down or at least start this process by issuing them a Notice of Violation for operating without a valid Order of Approval air permit to operate. There is a definite odor problem at this facility that has interfered with the enjoyment of those living near this facility. There are many other concerns regarding this facilities operations that continue to disturb me. The first is the State Enirnmental Policy Act (SEPA) and the Conditional Use Permit issued to Anderson for this landfill; CUP2015-00051. This landfill has operated since 2009 when the Previous CUP was issue; CUP2009-00024 and contained the same language requiring them to get an Order of Approval air permit from the YRCAA. The DTG has never been issued a an Order of Approval to operate from the YRCAA, and their LPL operations should have been notified that they are in violation of the CUP issued for them to operate. And if they they did not comply with the notice then they should be shut down. There is a claus contained in this CUP and all of the previous CUP issued for this site going back 15 years or more that specifically states that the facility is required to get a air emission permit, Order of Approval, to operate this landfill for it's air emissions. This claus is was came directly from my Supervisor; Hasan Tahat and is a legal provision of the YRCAA regulations. None of the "other regulators"; The Yakima County Planning Division, the Yakima Health Department, the Local Department of Ecology, and the YRCAA has recognized

this violation of the CUP. I also see a need for the physical site that the facility operates on to have the SEPA redone before issuing any permits.

I recently had a meeting (on Wednesday October 4, 2023) with the Executive Director for YRCAA; Marc Thornsberry. And had a in depth conversation regarding the operation of this landfill. From this meeting I came away with more information about the previous years of operation for this landfill and how they were able to operate for so long without an permit to operate, 'Order of Approval', from the the YRCAA. Marc informed that he did not know how the previous APCO's for the YRCAA felt about permitting this site but he did inform me that he did know that a previous board member did not want this site permitted by YRCAA. He also let me know that he was hired to provide adequate administration to the YRCAA and that the APCO's duties would be left to Hasan. This is alarming since it makes me fell like was hired to protect the YRCAA board members and protecting the pubic is secondary job to him.

The YRCAA Executive Director informed me that he just recieved verbal confirmation from Tommy Carrol (a Yakima County Planning Administrator) that the SEPA review done by the county in 2015 is still valid, and ignored my concern regarding the validity of the State Environmental Policy Act (SEPA) review done and it's need to be redone to insure the protection of the aquifer and the surrounding public.

This Facility is located at 41 Rocky Top Road, Yakima, WA Previously the Anderson Landfill now owned by East Mountain Enterprises and operated by DTG Enterpriess. This landfill has a deposit of toxic waste within it. This are is located in the landfill in the northwestern portion of what is called cell #1. This area is now under an agreed order from the Department of Ecology per the Model Toxic Control Act (MTCA). This area has a fracture in the soil of the sidehill that encompasses the the lower portion of the NW sidehill that emits a dangerous gasous emission that has a noctious odor. Recently the actual toxic substance was leaching up through the soil at these fractures. I beleive a large quantity of this toxic substance was placed in the this location in 1997.

This landfill has been operating by a permit authorized by the Yakima Health Department (YHD) and under a Conditional Use Permit (CUP) CUP2015-00051 issued by the Yakima County Planning Department. One of the Conditions in this permit is the requirement to obtain a Air permit/Order of Approval to operate from the Yakima Regional Clean Air Agency. This air permit is to ensure the air emissions from the site are safe to the public and those who may live near the facility. This includes protection from nuesance fugitive dust sources and odors that may interfere with the enjoyment those it falls on:

I beleive this landfill emits gasous substance harmful to the workers at the site and those that live near the site. And could possibly have radio active waste contained in it. Kinda a stretch but its always better to be safe than sorry. My boss scoft at me for mentioning it. All of regulators involved have allowed this to happen by letting this landfill to continue to operate without all the permitting requirement being fullfilled and their lack of oversite and inspections done on the incoming waste recieved at this landfill.

I have reported this health hazard to the Department of Labor & Industries (L&I). This form was referred to me by the Occupational Safety and Health Administration to fill out and document my actions by and under the protection of the "Whistle Blowers Protection Act". I have requested protection under this act from all of the regulators noted above and specifically my employer: YRCAA. For lack of action to protect the public from this landfills harmful emissions.

This situation stems from all of the regulators not fulfilling their duties to protect the public, and this landfill facility's desire to operate and make large profits. This may go to the extent of improper political actions and improper political funding.

I will also note that the geological study used by the Department of Ecology was an inadequate study which they now realize. And thus the Environmental Review used to permit the facility is no longer valid. A new environmental review be done on the site. And operations at the site that have taken place be considered invalid and thus all material in the original landfill cell (cell #1) containing the toxic material should be removed and placed in a lined cell at the site.

I would like this complaint officially tied to the permitting of the DTG landfill site. This landfill has operated under permits that I believe should be considered invalid, and has been allowed to operate by the YRCAA without a valid Order of Approval air permit that would have required them to take action against the facility's toxic emissions, and for the profound noxious odor emitted by the facility that interferes with enjoyment of many living next to it. The operations performed at this landfill may have long term irreversible effects to the ground water and thus all of the residents living in Yakima would be at danger of dangerous toxic pollutants in their drinking water. I would be told to "stay in my lane". But as a regulator, I believe it is our duty to be concerned with all adverse effects of a facilities operations.

I know that other entities are taking legal actions to enforce compliance with all of the regulators for the operations of this landfill. I have no problem with this landfill if it is operated so that it is in compliance with all of the regulators. But at this time it is not in compliance, and my employer, YRCAA, has not adequately performed its legal duties to regulate its operations. I cannot work for YRCAA at this time knowing that there may be some type of collusion taking place that has kept this agency from regulating this facility. Working on this permit for this agency has created a hostile environment for me to perform my duties. I am requesting to be placed on leave preferably administrative leave until the legal actions regarding the compliance of this landfill is resolved.

I hope my thoughts and concerns regarding this official complaint have been clear and concise. I do not like "rocking the boat", and I do not like any undue attention. I am a very solitude person that spends most of my free time exploring and enjoying the outdoors.