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Subject: Internal Memo – Audio transcript of YRCAA DTG NSR hearing 9/26/2023
Prepared by: Scott Cave, S.C. Communications

The following is an approximate verbatim transcription of the audio from the Yakima Regional Clean Air Agency's public comment hearing on DTG's New Source Review Application, September 26, 2023. Editorial note: blanks represent words that were undeterminable for this translation. Access the audio link here: https://www.yakimacleanair.org/site/files/file_manager/page/shared/DTG_Public_Hearing.mp3

YRCAA DTG NSR Application Public Hearing Transcription

00:01 - 00:10: YRCAA staff turned on and adjusted audio.

00:10 Marc Thornsby: Good evening everyone. Welcome to the public hearing for the DTG Recycle Permit. My name is Marc Thornsby, I'm the Executive Director with the Yakima Clean Air Agency, with me this evening is Dr. Hansen Tahat, who is our Engineering and Permitting Manager, and with him is Elizel Reynoso, who is our Engineer.

00:40 Marc Thornsby: Before we get started, I just have a few comments that I'd like to make as we get started just to help frame our conversation this evening. The agency operates at the nexus of sort of two competing concepts that are well illustrated I think by two quotes that most of you know: one of them is "the government that governs the least, governs best" and perhaps what one might call its corollary, "your right to swing your arm ends where my right not to have my nose struck begins". These are often competing objectives, and that makes our job challenging, and it also means we often find ourselves at odds often with everyone in the room. The agency is not charged, nor does it have the authority to control what occurs on private property except to the extent that those activities unreasonably effect the air quality of its neighbors. So we operate within that context.

02:00 I want to quote a little bit from WAC 173-400-113. For those of you who don't know, WAC is short for Washington Administrative Code. It says the permitting authority that is reviewing an application to establish a new source or modification in an attainment area shall, and I want to focus on that term shall, because it's not might, it's not may, it's not could, it's not can; it is mandatory that we issue an order of approval if it determines that the proposed project satisfies each of the following requirements: The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under the Washington Clean Air Act and the applicable emission standards of the authority.

The proposed new source or modification will employ the best available control technology BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification. And allowable emissions from the proposed new source or the increase in emissions from the proposed modification will not cause or contribute to a violation of any ambient air quality standard. If the modeled concentrations of allowable emissions from the proposed new source or the increase in emissions from the proposed modification are below the levels in Table 4a, the proposed source does not contribute to a violation of an ambient air quality standard, and in that table is listed carbon monoxide at a half micro, milligram per cubic meter in an eight hour period, 2 micrograms, excuse me, 2 milligrams per cubic meter in

an hour. Sulfur dioxide 1 microgram per cubic meter per 1 year, 5 micrograms per cubic meter in 24 hours, 25 micrograms per cubic meter in a 3 hour period and particulate matter.

Editorial Note: Table 4a is pasted here for reference:

Table 4a:
 Cause or Contribute Threshold Values for Nonattainment Area Impacts

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO-	-		0.5 mg/m3	-	2 mg/m3
SO2	1.0 µg/m3	5 µg/m3	-	25 µg/m3	30 µg/m3
PM10	1.0 µg/m3	5 µg/m3	-	-	-
PM2.5	0.3 µg/m3	1.2 µg/m3			
NO2	1.0 µg/m3	-	-	-	-

04:05 My point is not to bore you with the details, and there's certainly far more than what's applicable here, but I just mention that so people understand as you sit here and talk about what Dr. Tahat presents. We have some very specific requirements in terms of what we have freedom to do and what we do not.

04:26 We do not have the authority to discuss the or require someone to operate at a particular time. That is a County issue, it's not something the Clean Air Authority has the ability to effect. I'm certainly not unsympathetic to where waste streams come from, but again, that is not within our authority. It is not part of what I'm reading to you as a basis for denying the permit. So I just want to provide that as a framework so you understand when there's some things we say we can't do. We literally, statutorily and regulatorily cannot do them.

05:07 There's also one other thing I want to mention because it's something that's been in a number of comments to date, and that is the suggestion that the agency has rushed through the permit process for this particular applicant. And I want to read what is under WAC 173.400.171, which states the permitting authority if it determines and it is the expression of the authority although that is what we have done, determines that there is significant public interest the authority must provide public notice, before approving or denying an application. Public notice of all applications, orders or actions listed must be posted on the permitting authority website for the duration of the public comment period. The public comment period must consist of a minimum of 30 days and start at least 30 days prior to any hearing. The first day of the public comment period begins on the next calendar day after the permitting authority posts the public notice on their website. The public comment period must extend through the hearing date, and the final decision cannot be issued until the public comment has ended and any comments received during the public comment period have been considered. We have abided by those requirements. I appreciate there are those who feel that that's not adequate and would certainly take those comments into

consideration but I want to make clear for the record that we have not shortened or short circuited the process as it has been laid out by the legislature and as set forth in WAC 173.400.171. The agency does have the authority during this process to request additional information from the permittee and it has the ability to extend the comment period if it so choses. We will again take those into consideration.

06:57 Now Dr. Tahat here is going to provide an overview of the project and then I will give some guidelines for public comment and we will open the floor to comments from the people who are in attendance tonight.

07:10 Hasan Tahat: Thank you. Good evening everybody. I'll try to basically summarize what is really proposed on the permit and definitely this is a proposed draft permit not a final by any means. So based on the NSR application which we received, we review it, and asked some additional information from the applicant, and I do understand that some of the comments were, I have received some written comments from a lot of people. Some of those comments are really very good comments, and some of those figures are outdated, and we have updated those, but I will give you some of how this works. And we talk about the agenda and Mr. Thornsby told you about the purpose of this public hearing, and I'm giving you the staff report right now, and I will go, I will turn it back to Mr. Thornsby for any testimony of the public.

08:23 So for the DTG or the site plan ____? and the SEPA outline. So what we have, I hope you can see it(refers to unidentified slide in presentation). So East Mountain Investment Properties the outline is in red, and that's what you see in the figure. This is as a whole for the East Mountain Investment Properties.

08:48 For the SEPA of 2015. Basically, what we have is about 125 acres so we estimated that acreage of the 125 acres, if you cannot see the color of this is the green color. So, we considered this of the SEPA 2015 and the New Source Review Application basically what we have right now is for the expansion of Cell 2, and this is basically Cell 2 (refers to unidentified slide in presentation). Cell 2 is within the 125 acres. So we did some, we do have some requests from the Planning Department to clarify that too also, we are working on that based on some of the comments.

09:37 So DTG purchased also, they bought the land in this in the blue (refers to unidentified slide in presentation). That's a recent addition to property or the boundary line. So the, this spot here (refers to unidentified slide in presentation) is considered as Cell 1, we call it Phase 1, so at this point in time what we are doing in the New Source Review, this part became under MTCA, is that for the Model Toxics under Department of Ecology. Based on the rules and regulations of the MTCA's model, the Dept of the Ecology under that is ____, they have to meet the substantive requirements of the clean air act in particulates.

10:40 So we don't have real authority because the company, or DTG, signed an agreement order with the Department of Ecology. Once the agreed order has been signed, so automatically it is under jurisdiction of Department of Ecology.

11:03 So what we really permitting is what is really, and in purple, right now, that is for the new source review (refers to unidentified slide in presentation). I just want to say that all measurements are approximate. Boundary lines remains the same, even with the neighbor ____? I understand even with the growing the area we are permitting is on that area.

11:35 So for the particulates for the air emissions I think this is a kind of a clearer picture of what Phase 1 and Phase 2 (refers to unidentified slide in presentation). So the approximate capacity of the, at this point in time for Cell 1 and Phase 1 is about 2.45 million cubic yards. That's roughly about 600,000 tons.

12:00 So on the calculations for the ____? is 2.5, and in particular we did not include in Cell 1 because it's almost closed currently, except the MTCA part (refers to unidentified slide in presentation).

12:15 Marc Thornsby: It might be useful to ____? if the MTCA site is included or not in that 2.5 number.

12:25 Hasan Tahat: It, is included as a capacity, but not as emission, because the design of the surface area of Phase 1. But the MTCA part for Phase 1 for PM10 and PM2.5 is not included because its almost closed. For Phase 2 its about 2.5 cubic yards, that's about 528,000 tons. I need to make sure that when we do the calculation here, this calculation is based on a bulk density. Bulk density, when we compared the volume, what you see here is a bulk density that's basically going to be, the, it's the weight over the volume. So that could also be compacted a little bit. They could accommodate more than that, and we added depending on the compaction there (refers to unidentified slide in presentation).

13:38 So looking at this as a based on the design capacity of the surface area, and the height of Cell 2, and allowable waste, is about 1 million cubic yards per year (refers to unidentified slide in presentation). If we based it on a trailer of 40 feet by 8 feet 6 inches, so there will be about 3 trucks per hour about or about 33 trucks per day, so that's the size of the emission calculation.

14:09 Audience question: Is that...you're basing that on a standard 40 foot shipping container size?

14:19 Hasan Tahat: Yes, exactly, exactly. So for the, we have also for the air emissions, that's what our concerns are, that that's everything so far. Let me think so in this case we have the Phase 1. We included the hydrogen sulfide from Phase 1 even though it is closed based on the area, the area is about 970,000, and Phase 2 is 91,000. So we calculated the air emissions for the hydrogen sulfide, in this case, based on Phase 1 and Phase 2, MTCA is completely, this part here (refers to unidentified slide in presentation) as I said they are under MTCA with Ecology and they have to meet sensitive requirements.

15:16 So how we propose the permit itself is (refers to unidentified slide in presentation) at 4 beyond the boundary lines and record emissions. That's what we are proposing, so the, one of the approval conditions is gonna be they will be doing these, the applicant will be doing a daily measurement at minimum, at the boundary line for the hydrogen sulfide for first 3 months. Then if they have not detected anything, then it's gonna be weekly for the next 3 months, if they have not detected anything in the next three months, twice monthly after that.

16:06 But I want to make sure that if they detected anything they go back to a daily, whether it's during the first 3 months or twice monthly. Anything is detected, the bottom line, they go back and they will start doing it on a daily basis. That's what we are proposing to make sure that we, those limits are being followed.

16:33 _____? (audience comment/question)

16:36: Hasan Tahat: Yes.

16:37 Jean Mendoza. Will you take questions while you're talking?

16:40 Hasan Tahat: Yeah sure.

16:42 Jean Mendoza. Earlier you talked about that you're going to measure concentration, weight by volume. But I didn't understand which volumes you're talking about.

16: 53 Hasan Tahat: What I was talking about the bulk density. For landfills in particular, you have, when a trailer comes in, they usually come in and they weigh it. So they take the weight, divide by the volume, that's the bulk density. So whatever is in that truck so in another world to illustrate this, if we demolish this building and they put it in trucks and they send it to the landfill, there is a lot of air, or gaps, in the load, in the volume. So that is considered as a bulk density. Once it reaches the landfill it, and they have the loaders they compact that. That would reduce the volume probably to 1/2 to 1/3 depending on how much is the compaction rate. That's what I was referring to.

18:01 Jean Mendoza. Thanks.

18:02 Hasan Tahat. You're welcome.

18:04 Mark Koday: I want to understand correctly, if what your saying is, your going to be monitoring the air and the frequency of monitoring will go down depending on the level of emissions you guys measure

18:16 Hasan Tahat. No, depending on the measuring what we said for hydrogen sulfide for the first three months they will measuring at the boundary on a daily basis. As long as they don't detect anything that is fine. But let's say in week two or week four they detected something, then they go back to a daily basis after the three months.

18:43 Mark Koday: When do you ever shut them down if emissions keep going, you know, all over? I know your monitoring on a daily basis but...

18:51 Hasan Tahat: Well that, that is a different, this is basically how we're gonna monitor that. But for the compliance part, that's a completely different thing, I'm sorry I'm coming with that.

19:09 So for the submittal, I think for a new source review application, we have the new source review application we had asked for additional information for Phase 1 and Phase 2. We also had the registration for 2021, 2022 and 2023 as far as what they have received even in the past three years. When you do the calculation, I want to just to make sure that, based on some of the comments also, that we have received if that may answer some of those questions, which they were really very good questions, I really appreciate those comments. What we did is based on what was received in 2023.

20:00 But the ____?, we're going to go back and consider something allowable and the potential air emissions. What we're going to allow there then, on an annual basis there is, if we allow them the max, the

potential, the allowable, all the potential, let's see a million cubic yards per year, the calculations will be based on that. It's going to be a half of million, it's going to be exactly based on that, and I we will be checking. Of course eventually we will go back to the record keeping in order to make sure at least the air emissions will not exceed that. Yes

20:42 Nancy Lust: I, are you saying that there is a, okay I'm getting confused and I apologize. You got these air emissions that get calculated based upon the cubic yards and the tons, okay, and with the tons divided by yards business, and, you're saying that there's a limit to the emissions

21:18 Hasan Tahat. Yes.

21:19 Nancy Lust: and the emissions are a function, they're a derivative of a mathematical equation based on volume and weight? But whenever we talk to the planning department, they tell us, there's no limit to the amount that they can truck in, there's no limit to the number of trucks, no limit to the amount of garbage they can put in that landfill, but it seems to me that you are saying there is a limit?

21:47 Hasan Tahat: Yes, there is. Everybody has their own limit to, that's true. That's for sure.

21:52 Nancy Lust: Well I want to know which is the real limit. What's the limit...

21:55 Hasan Tahat: The real limit in this case, I am very positive, and we have also Ian from the DTG is also an engineer. The design capacity for the landfill, that's why we have we're taught in school, is the design capacity is based on the cell or the face. So you have that face say 90,000 sq meters or whatever that equivalent in square feet. So how high you are going to go, that becomes a volume and that volume is the maximum design capacity of landfill you can put in that cell. You cannot exceed that. And this the limit there is no limit on height you can keep them going.

22:48 Nancy Lust: So there's a limit on the total volume in the landfill but there's no limit on the amount of volume coming in given a particular year?

23:00 Hasan Tahat: No. There will be a limit either allowable or a potential. In other words, potential meaning there's 8,760 hours per year. That's the potential if a facility on this earth can operate 8,760 hours per year. They cannot operate more than that. That means 24/7. So now this, the facility, I think what they are proposing from 5 days a week, or 6 days a week from 8:00 am to 8:00 pm. Then we say that's the number of hours they can operate based on that, that's how much they can get in based on this time too. So the volume - I was talking about trucks per day, or three trucks per hour, based on the lowest number of hours assuming that it is a 40 feet long, 8 feet wide by 8.5 feet long, that's the standard volumes. That's how the limit is really calculated. Yes Mame.

24:21 Female: Quick question: we live in a community that is often impacted by poor air quality from fires, and when that is occurring and we have kids with asthma probably living in the neighborhood, How do you then regulate their output of pollution within the context of what's happening already?

24:40 Hasan Tahat: You are accurate, that is in the next few slides you will see part of it. But definitely, you have, that's why when we permit a facility, we look at their potential and their, and what we are gonna allow them to do. If they can reach the potential of 8760, that's fine without any impacts. They are not exceeding any of the those applicable numbers which was read at the beginning of the hearing. For example, PM2.5 that should not fail the 5 microgram per cubic meter. If you are talking about hydrogen sulfide that's a bact source impact, the level is 2.0, so you compare it.

25:35 Female (Becky): But the question for me is, you regulate how much we can burn in our homes when the air quality is poor, you regulate whether we can start fires in the community, things like that to protect us, it seems logical to me that if air quality was poor you would say to polluters, you need to slow down or cut back to protect people.

26:04 Hasan Tahat: I would say "Yes" and "No". Because why I say yes and no is because the scenario you are saying, for instance, when there are air quality... the air quality is deteriorates, we go out there. The first thing we look at in this agency, as a scientist the first thing I look at is which one I can really reduce as fast as possible based on a model as far as also to the prediction of the weather. That is why I say "Yes" and "No". But, the yes, also things deteriorates so bad and there are rules and regulations, and when the state rules, the Governor can call for an emergency for instance, that's a possibility too, that's why I said "yes" and "no".

27:03 So that's the output is based on the proposed draft, which we are proposing right now is a modified maps to reflect basically what we are permitting. Is not maybe. Anything in the permit that was out dated we're not going to use that. We'll use the updated, the most updated map. The operation and approval of conditions and there is also emission limits and approval conditions in the permit that they can and cannot do based on the maximum design capacity and then our compliance action, as an output for ___? the proposed permit. On the

27:48 We did receive information from after the proposed draft also from DTG, from the Health Department, from Ecology, ___? for the MRF which is the material recycling facility for the permit renewal, leachate and also Cell 2 will be lined, that's for sure. It may not say it in the application, but in the proposed draft it says it is lined. For the compliance...

28:22 Nancy Lust: I have a question.

28:24 Hasan Tahat. Yes.

28:26 Nancy Lust: Regarding all of this, I think that it would be helpful to have DTG put forth an application that has accurate and updated information in it. I think it's important because it creates the historical record, it creates the legal document upon which this permit is based, and even though you're telling us, of yes they've given us the information, the public hasn't seen it. We just have to trust that they've given you the information and then we'd have to do a FOIA request to know that they've given you the information and then we'd have to read through 500 pages in order to find what we're looking for. I think that's an onerous burden and I think it would be nice to have DTG put forth a document that doesn't look like it's cut and pasted and recycled from 1992 and from 2015.

29:40 It's gotta take into consideration the fact that they're dealing with a MTCA site, they're dealing with a fire, they gotta have a leachate collection system and liner. There needs to be a leachate collection system that all of that stuff and the satellite pictures to be look like 2023 at least. Here we are in the ninth month of 2023. So I don't think that it's a burden to ask DTG to do what I, as teacher would do if a student turned in a report that looked like that. You know you go through with a red pen and you tell them, you need to fix this, fix this, fix this, fix this, and then I will change your grade or give you a grade.

30:27 Carole: And, Scott Cave did that on his comments.

30:32 Hasan Tahat: Yes, we are going to take every comment we have received and reply to those comments in writing. I do appreciate that 100%. But for instance, I don't know who commented for instance on the SEPA checklist or the SEPA MDNS was not in the application. Just please whoever commented on that, I'm not picking on anybody. It says Appendix D

31:07 Nancy Lust: If you look at it Appendix D, it's not there.

31:11 Hasan Tahat: It's not there because they made a mistake, its in Appendix E.

31:15 Nancy Lust: If you look, it's not there. Appendix E, Appendix E is for the PCS. It's not there.

31:25 Marc Thornsby: Okay, we'll look

31:29 Jamie Carmody: I'm the one who made the comment about SEPA. So what's your point?

31:34 Hasan Tahat: My point is, in the application in Appendix D, if while you're reading that application but in that the applicant made a mistake instead of Appendix E for instance he made Appendix D, but it is in the application.

31:53 Jamie Carmody – The checklist is in there?

31:54 Hasan Tahat: Not the checklist, the MDNS it is there.

31:58 Jamie Carmody: I saw the Appendix and there's one from 1992 and there's one from 2015. They have absolutely nothing to do with what's going on today. And the problem with the SEPA, I appreciate the effort and comments that you're not short circulating things, but you have a responsibility under SEPA to do a review.

32:18 Hasan Tahat: That is, that's for sure.

32: 19 Jamie Carmody: You didn't request from the applicant a checklist, that's a normal first step.

32:25 Hasan Tahat: No.

32:26 Jamie Carmody: You didn't request that. You accepted.

32: 30 Hasan Tahat: I do respect that 100% I do respect that, assuming that I am the lead agency for the SEP. Once, I'm not the lead agency for the SEPA.

32: 40 Jamie Carmody: You are on this.

32: 41 Hasan Tahat: No, I'm not.

32:43 Jamie Carmody: Who is?

32:45 Hasan Tahat: The Department, the Planning Department. I'm not stepping on anybody's toes. That's their responsibility for the SEPA part. The point is, the MDNS was issued, the results of the SEPA and the checklist is in the MDNS or the MSDNS EIS as you are very much familiar with dealing with that. So that part I accepted it as coming from the lead agency. So for...

33:11 Jamie Carmody: On, that point, the application didn't have a certification from what you're claiming to be the lead agency. It was a typed in reference to Gary Cuillier, from a totally different hearing and a totally different application then what you provided, the applicant provided, as the original SEPA determinations from 1992 and 2015. If its someplace else, its not in the record that's available to the public to comment on.

33:45 Hasan Tahat: I think I know who I am talking to, you are Mr. Carmody. I do also respect that very much. And, definitely Gary Cuillier is not a responsible official and he would never be a responsible official, he is just only the hearing examiner.

34:01 Jamie Carmody: Correct.

34:03 Hasan Tahat: For a fact and we are very much aware of that. The one who signed that SEPA it is Lyn

34:09 Carmody: Dietrich. Lyn Dietrich

34:11: Hasan Tahat: Yes.

34:12 Carmody: Tommy Carroll signed for Lyn Dietrich. But your application form requires a certification. It requires the people who did that to certify to you as part of your application process, that in fact it occurred and this is what was relevant to them, and that's what's not present. The other part of the problem that I saw, and I'm not trying to be difficult...

34:41 Hasan Tahat: No, no.

34:43 Jamie Carmody: I'm just saying I want to follow your stated effort, or concept to follow and not short circuit anything. SEPA, SEPA's critical.

34:54 Hasan Tahat: You're absolutely right.

34:56 Jamie Carmody: There are also very clear SEPA regulations that say where there has been since the time of the original document, or where there is new information, you're supposed to withdraw those determinations so that the determinations that the applicant is relying on, have to be withdrawn; they're not valid at this point because you have a huge and vast amount of new information. And, all it requires is just due the study in advance before you make a decision. That's all I was trying to suggest.

35:33 Hasan Tahat: I really do appreciate that very much Mr. Carmody. That's a fact, that's a reality. If you look at the New Source review Application they the second page I think it gives, goes through those options as you said ____?. SEPA has to be satisfied. We cannot issue a permit if the SEPA is not satisfied. In this case, whatever was in the application, I went, we went back and checked and there was MDNS issued by the planning department, for the 125 acres, and I'm sure you took a look at that, it says that additional, I believe 64 acres, totals 125 acres so what I'm permitting is within the 125 acres. As a result of your comment, trust me, I put a phone call, another phone call also to the planning department, if that is the 125 acres you referred to in that SEPA. That is, we will, as far as you comment, because you will are the one who commented on that. Yes, we take that seriously and the SEPA has to be satisfied.

36:57 Marc Thornsby: Okay, just, out of respect for everyone's time, and we're happy to have some time at the end of it to offer clarifying questions but the public comment period at the end is really if you have a particular issue that you want to bring up, or feel has been overlooked or not addressed properly, than that's the time to bring those up. We will have that in just a moment. Let's see if we can try to get through the rest of the staff report, and then we'll proceed.

37:25 Jamie Carmody: I appreciate that, but the reason I responded was because he specifically brought up my comment and suggested there was some questions about what it was accurate or not.

37:35 Hasan Tahat: By the way, you weren't the only one who commented on that, I referenced that, that they did not see that in Appendix D, but it was there, so that was what I was referring to.

37:47 So, for the compliance part, operations and maintenance is we ____? plan to be difficult, based on up to date operation had DTG, the record keeping will be based on a rolling average of 12 months for five years, the daily records of the solid waste received and out going materials, the air monitoring, I explained the hydrogen sulfide, the methane, the waste shipment, if there is rejected ones, they have to due all of the that through record keeping for a rolling average 12 months. The annual registration will be submitted. We'll be doing announced annual inspections and announced site visits, and respond to complaints. That's for the compliance part. And, this this is the just, we have not shared this yet with the Department of Health or Ecology. So this is basically for the Phase 2. We..of course we have done modeling and part of the modeling, the first initial model we call it AERSCREEN model, thus one is AERMOD model, is more refined, we did for Phase 2 only, that is this area (refers to unidentified slide in presentation) the maximum concentration for hydrogen sulfide is .08187. The ASIL maximum is 2.0 so they are way below that.

39:29 Nancy Lust: What are those yellow areas,

39:33 Hasan Tahat: That is in red basically. But those are numbers I have to go back and .. I'll go back to that saying that, please. So the maximum concentration for Phase 1 and Phase 2 is were having .08 this is

just the initial results (refers to unidentified slide in presentation), we included Phase 1 and Phase 2. So, if you said the color this is basically the concentration so the color is (audience starts question)...Can I continue and we will (audience reply 'sure'), So Phase 1 and Phase 2 with the MTCA part, I included the MTCA part here also. And GP 7., there is...I don't know what GP stands for?

40:30 Ian Sutton: Gas probe.

40:31 Hasan Tahat: Gas probe 7, okay thank you. As a stack from that concentration we did a...again the maximum concentration is this (refers to unidentified slide in presentation) verse ASIL, thus what we have done just in the past few days, so its not long ago so, but the initial proposed draft was an AERSCREEN was not on an AERMOD, so this is more refined model, and so far they are passing.

41:05 Nancy Lust: Can you go back to that diagram please?

41:17 Hasan Tahat: This one?

41:18 Nancy Lust: Okay, so the yellow thing, what are the yellow things indicating?

41:24 Hasan Tahat: The concentration.

41:26 Nancy Lust: Of hydrogen sulfide?

41:27 Hasan Tahat: Yes,

41:28 Nancy Lust: Well there shouldn't... I guess I'm confused. I understand why there's a yellow where the fire is, and I understand where there's yellow things in Cell 1. But there's no trash in Cell 2, so why is there a huge, where there's a Phase 2 (referring to slide) it's all yellow and outside the boundary where the landfill should be.

41:50 Hasan Tahat: No, this is the maximum (referring to the slide) is 5.0 e to the negative, zero two. So .0005. that's on this area that gives you this area, but the concentration is, this is, if it's different, this is the yellow its 5e zero to the -01 that's .05.

42:18 Female: _____?

42:21 Male: Hasan, just to clarify when you did this model you assumed Phase 2 to be filled with refuse.

42:27 Hasan Tahat: Yes.

42:29 Male: And Phase 1, which is why you have emissions showing in these to.

42:33 Hasan Tahat: Yes.

42:34 Nancy Lust: Okay, that helps to answer my question, but I'm wondering why it's exceeding the boundaries of cells, Phase 2's boundary.

42:45 Hasan Tahat: That's the model. It can go as far as seeing concentration, that's what the concentration can... The model itself, it can go beyond the boundary until you, what are the concentrations there beyond that, so,

43:05 Nancy Lust: Okay, so...

43:06 Hasan Tahat: What I'm trying to show, these are just initial reports from the model, what we're trying to say or what I'm trying to say here is that even the AERSCREEN model, based on that model it solved, that..we had the proposed to draft. So we did not do the draft without doing the calculation over in the model. So today we did refine that model with a, with something we call it AERMOD, that is a higher model. So what I'm trying to say is to just show everybody that we have considered Phase 1, Phase 2 and the MTCA spot, with one of the gas probes of the highest concentrations as a stack. And, they did that one the hydrogen sulfide, so that's why the proposed draft, there is a proposed draft. We can go into details with this results eventually. But what I'm trying to say that we do not propose a permit that does not pass an acceptable source impact limit (ASIL) or equivalent National Pollution Standards. If they do fail, they do not get a permit. Because I think I was asked that question. How do you, why do you say that is our proposed permit based on the air emissions, based on those facts we propose a draft.

44:56 Nancy Lust: Okay, so I guess my question is, well I got a lot of questions, well you're giving this company a permit...

45:09: Hasan Tahat: I'm not, were it's proposed. It's still proposed.

45:12 Nancy Lust: Okay, so should they get the permit... The permit is predicated on the fact that they will comply?"

45:26 Hasan Tahat: Yes.

45:27 Nancy Lust: With all the rules, they're supposed to comply with, like what can go in, and how much wet material can be there, and they have demonstrated in the last 3 years difficulty complying. Their doing better now, but I guess there's a certain amount of distrust amongst the neighbors, this is going to be a little trash mountain and the gasses are heavy, they're going to find their way down, and I worry about how people, like the Parsons, who live on Rocky Top road or Carole, or the hikers in the parking lot. I mean, its, if there's ... I want to believe the company will inspect it's waste, and not accept anything that it shouldn't accept and be a good corporate citizen. But I keep thinking about President Reagan "Trust but verify", trust by verify.

46:52 Marc Thornsby: Let me ... I think this is a good opportunity to interject, so let me make a couple of comments based on some of the questions and remarks, and the we'll open it for a public hearing. There was a question about the issue of volumes and I'm not sure if everybody sort of understood what that was, so I'll just offer a brief analogy for that. You talk about whether a glass is full or not, and you put uncooked

pasta in it until it's full and you put uncooked milk in and in different case the quantity of material in those two are going to be different, and that's really what this case is talking about. And we use averages and the data that's going from other operations to come up with an idea of what that is likely to become. But in any given particular circumstance, it's not going to be exact because the material that comes in is not uniform. So I just for those who might not understand that, I just wanted to note that.

47:49 There was a discussion about or a question about the planning department and the statement about how much material can come in. I think that's a nice opening to talk a little bit about the fact that there are different regulatory agencies involved. We are the small sort of entity involved with this, in terms of our permitting capacity. The Yakima Department of Health or Health District is the sort of the heavy lift in terms of most of the operational aspects of the landfill. So if you're about groundwater, or you're talking about operating hours, or you're talking about those kinds of things, those all go through that process, they are not part of the air quality permit. So, we don't have the ability to affect these but there are others that do, and I think that's part of the, and my apologies to people who hear this and go, that's just a bunch of bureaucratic double talk and in some cases it maybe kinda is. But it's also a protection too because by dividing up those responsibilities at least you don't place all that power in one entity's hands. The Planning Department when they responded to the question of how much material can go in there, it's unlimited from the County's perspective that's, I believe true. Now I can't speak for the County by any stretch and I wouldn't try to but from their permitting stand point, their piece of the pie, when they permit the landfill to operate, I don't know that they necessarily have to place a limit on their quantity. For our purposes, that's a little bit different, because the amount of emissions are affected by the quantity of material. So for us, we have to take that into account when we're doing the permitting. So, when they say it's unlimited, I think from their perspective, they are not telling you a lie. It does not necessarily mean that that's the case for everyone, including us.

There was another question, I think this last piece talks a little bit to it, that is there's a difference between permitting and compliance. And, so while I think there's an ideal of trying to tie sort of, if we can't make certain of compliance than we don't want to do permitting. And, there really isn't any statutory basis for that, but we do have an obligation for compliance and we have an obligation to follow-up on that.

50:09 And in terms of the question you had and I'll anticipate where you were headed with that; if the modeling shows that there is, you know, our emissions creeping outside of the property boundary, then does that mean, that when once you've permitted it, then it's okay. The answer is 'no' and that's why the monitoring is required at the property boundary lines. So that's the purpose for that.

50:35 Trying to figure out how to say this. I appreciate some of the concerns about the date of certain documents. And, I'm not unsympathetic to that, but I do also want to note that the significance of what is contained in that information is not aged based, it's on whether or not it accurately represents what is on the ground.

51:03 I have, a relatively older car now, I have an old owner's manual for it. I could complain that the owners manual is old, therefore, I should have an updated one, but the reality is that what is represented in the owner's manual for the car is still the same. Now, if there are differences then you are correct, there

needs to be an addressing of that. But the age itself, my only point is, the age itself is not necessarily significant if it isn't connected to something else. There was a question.

51:33 Jean Mendoza: I have a question for Dr. Tahat. I think I heard you say their were air monitoring for hydrogen sulfide on the border, is that correct?

51:43 Hasan Tahat: Yes.

51:44 Jean Mendoza: Will there be monitoring for VOCs, for methane, for fine particulate matter.

51:59 Hasan Tahat: Is mainly, for limited purpose landfills are different than municipal solid waste landfills. If it was municipal solid waste landfill, I would probably agree partially, but a limited purpose landfill mainly the main air emissions are really hydrogen sulfide and particulates so they, that is the one we concentrate mostly on that part, yes.

52:38 Nancy Lust: Okay so I understand, and again, this is getting back to if the landfill was operating properly we wouldn't all need to be worried about hydrogen sulfide and particulate matter. But, we have a MTCA site and a fire, and ... so I think this speaks to why there needs to be a SEPA, this speaks to why there needs to be updated documents in the application because things have changed. And, so to just kinda roll forward and say we're going to treat this like any other landfill and other LPL with this particular situation here, I think we need to make some accommodations for the potential for VOCs, for methane. If maybe you can stipulate in the language of the permit, that if you go a certain number of years, then we'll phase out, relax the testing a little bit, but I just think that it's a mess.

54:03 Marc Thornsby: Okay one last question.

54:06 Jean Mendoza: Thank you. I've tried very hard to understand SEPA law, so my understanding is of SEPA is that the Clean Air Agency is an agency with expertise, and the inner agency is the agency with expertise to bear. My understanding of SEPA is that because you're an agency with expertise, you could override the MDNS from Yakima County. I'm not an attorney, that's my reading of the SEPA law. I think that may be appropriate at this point in time. If you over-road Yakima County and said we need a determination of significance, that would prompt an environmental impact statement and would go a long way to relieving people's concerns. My opinion. Thank you.

55:00 Marc Thornsby: I would suggest that you make that specific request during the comment period, which we are now going to open up. So anybody who, this is sort of the official opportunity to make a statement about anything that you feel the agency has overlooked or issues that you want to bring up and bring forth. Anyone who want to speak can come up, can sit down at the dais, you have five minutes to just basically present your statement and your concerns to us, so that we can take those under advisement, and of course anyone can also provide written comments as well. If you have more than you can fit into a five minute window. But, we're already at 7:00 pm, so anyone who wants to, please come up, sit down, state your name and make your comments.

55:50 Jamie Carmody: Maybe the woman who just made the comment, would you like her to come forward and...

55:55 Marc Thornsby: If she wants to start off, that's fine. Doesn't matter to me.

55:58 Jamie Carmody: If you want your comments considered, I suggest you go up to the podium.

56:10 Jean Mendoza: Well, I'll just share my understanding of SEPA law because I think...

56:14 Marc Thornsby: Please state your name.

56:16 Jean Mendoza: Yeah, this is really important stuff. SEPA is designed not just to protect us, but our children, and children's children. So there's no doubt that this landfill will have some impact on the air in the future. So I'll just repeat my understanding is..

56:38 Jamie Carmody: State your name.

56:39 Marc Thornsby: Yes, please state your name.

56:40 Jean Mendoza: Jean Mendoza, from White Swan. My understanding of SEPA is that the YRCAA is an agency with expertise for air quality. So under SEPA law, an agency with expertise can challenge a mitigated or determination of non-significance or determination of non-significance by the lead agency. So in this case, my understanding is, that the Yakima County issued an MDNS in 2015. I'll repeat what other people have said, conditions on the site have changed so my opinion is this requires a new SEPA review. But I think that the YRCAA has the authority if you chose to use it to challenge that 2015 MDNS, and ask for a new SEPA review. I think that would be a great thing for the YRCAA to do. I think I would go a long way to reassuring people who have concerns. Questions for me?

58:00 Marc Thornsby: No but thank you very much. Next...

58:15 James Carmody: Thank you. James Carmody – I provided a written comment of SEPA and I'm happy to talk about SEPA but I don't know if people are that interested in it. But, I'll comment on a couple of questions that you just raised. But, I have a first question – who's doing the monitoring? Who's doing the daily by weekly monitoring?

58:39 Hasan Tahat: They facility will be doing that.

58:40 Jamie Carmody: Who?

58:41 Hasan Tahat: They facility will be doing that.

58:43 Jamie Carmody: Okay...

58:43 Marc Thornsby: You're talking under the permit..

58:45 Jamie Carmody: Under the permit you talked about a phased monitoring so the monitoring is being done by DTG. What procedures do you have in place to verify or to confirm the monitoring and the information that your provided? Are there any procedures under the permit in which you will verify that information?

59:12 Hasan Tahat: Under the record keeping, they will be specifically with the... if it's a hand held monitor, than they will be using those. And, they will record that, and the record keeping they have to keep that record keeping for at least a minimum of five years, and then we would be checking that. And, we will also verify that the any of those equipment being used, it has been calibrated in accordance with those standards.

59:48 Jamie Carmody: How frequently do they report their monitoring to you?

59:53 Hasan Tahat: We don't have the permit yet.

59:55 Jamie Carmody: I understand that, but if it's in place and you have a monitoring program like you talked about which was daily and if they do well enough it's once a week, and then its twice a month, or whatever – do they report that to you on a daily basis? How and what information comes to you, at what time?

1:00:19 Hasan Tahat: I don't remember ____? if I require that on a quarterly basis or a monthly basis, they said that to us. But, on an annual registration they must also report that, but that's a good point. Thank you.

1:00:32 Jamie Carmody: One of the concerns that the community has and this isn't related to you because I think this is your first application. Right? for new source review....right? So, this operation has been in place since 1992, and this is the first time we're talking about air quality. Right?

1:00:55 Marc Thornsby: With respect t...

1:00:56 Jamie Carmody: One of the issues and concerns the neighbors have had is that the record keeping is incomplete, and more importantly, the agency responsible has not effectively or regularly monitored. They are... I think Nancy Lust's comment about Reagan "trust but verify" is one of the huge community questions. So it seems to me that if the monitoring is done by the operators, the facility operator, there needs to be something, in terms of clean air, verification procedures, gathering of information, particularly where you have a situation that has gotten out of hand, in terms of MTCA, in terms of fires, in terms of operational levels, in terms of volumes, and all of that. And, that would be something I would ask you to take a hard look at, because typically that doesn't happen unless someone registers a complaint, and then if you're lucky you can find resources that someone might look at it. This is too important to the people living there, not to hope and expect from you that that will take place.

1:02:19 Quick follow up on the question on SEPA. I don't think the SEPA issue is who's the lead agency or who isn't. You have, as this agency, a responsibility to undertake an environmental review. You have responsibility to have a checklist that comes in. One of the ways that you can deal with it is what's called an adoption. You can take whatever the county has done and adopt it, but there's a specific procedure that you

have to go through to verify that the source information is right, and they go through that and then there's a determination of whether it's adequate or not. And then, the problem, or the concern that we have in this situation is where you're adopting a 1992 document or you're adopting a 2015 document. The real world is this whole operation has turned into a totally different operation with the DTG acquisition. This is not what was being done by Anderson, this isn't the volumes or the use that existed in 1992, it's not even close to what it was in 2015. Just look at the volume levels that you've been provided. It's a totally different thing. And so, you're put into kind of an awkward position because you're the ones who have to do your environmental review for air purposes, but you're the first one that has really had to go in and take a look at the operation both collectively in terms of what has been done over time and the problems that have developed but also to evaluate this new, this new animal out there. This new operation that is not even remotely near what, what was there in prior years. And, the community's trust in you. I mean what they're saying is, we understand that you know what you're doing, but we also know that there's funding, staffing, all of those things are challenges for every agency. And, to be in this situation, where basically the trust level is at the operator level, and that trust has been breached as to the community. Where, where do we go with that?

1:04:48 How do we know that the air they're breathing, how do we know what's going on in the real world is working. So that's why we're concerned. We're not trying to be difficult, we're trying to make sure that we don't walk into another set of problems, and this case air problems that they walked into on a lot of other things that have occurred. So that's why the concern is, that's why there so interested. This is, I've been at this for a long time, the community involvement, interest in this particular situation is unlike anything I've seen in the history of this region, not just this valley, it's extraordinary.

1:05:30 I think you may have dealt with issues with dairies and some of those type of things, but it's really, really important to these people, that's why they're interested, and that's why they're here and that's why they're trusting you to be cautious, to move carefully, to make sure that everything is there for you to make the proper decisions, so... I'll stop.

1:05:56 Marc Thornsby: Thank you. Next.

1:06:05 Mark Koday: Mark Koday, I'm a land owner just below DTG. My comments are just general comments. I came into the meeting frustrated, I'll be honest with you, I'm even more frustrated now, particularly since I've learned that you won't be monitoring the air quality. Our frustration, I think at least certainly mine, comes from every meeting we go to, each meeting, each group, and they're dealing with this part of the problem. The ____? you know they don't deal with the water. I come here, you don't deal with the water just air, I understand that but there's no overriding body that's looking at the entire picture. I mean the entire picture is an organization that has flouted every regulation that we, we can find. I know that they're under new management right now, I'm very much hoping that they decide that the regulations are good but as Mr. Carmody said, there is no money to monitor and that's where the frustration is coming from. I'm concerned about the air. I'm concerned about the air for myself, my wife, and fortunately, my kids are out of the house.

1:07:11 I'm concerned about my property value. I would not want to sell my house right now, and God forbid if the water ever gets contaminated, my property's toast. And, this is where the frustrations coming

from. You have good people, and I trust you're good. I trust you're doing a good job, but we also know what the situation is and we just don't feel that there's proper regulations that have come out. And, just sort of a final comment - I believe you owe it to the public to be hyper vigilant and, you know, go the extra mile before you give the proposed permit.

1:07:48 Marc Thornsby: Thank you.

1:07:59 Nancy Lust: Okay my name is Nancy Lust, and I live near the landfill and chair the organization "Friends of Rocky Top". Our consultant, Scott Cave, could not be here tonight, but he did have one question that he wanted me to ask, and he said it was in reference to his comment #5 from his written comments that he just said, the YRCAA order of approval is for a modification. How can there be a modification on expansion of something that was never approved?

1:08:44 Because it's come to my attention, I expressed this in my comments too, I was a bit confused about the permit thing from the clean air people. In the DTG's application, they said they were never issued a permit. And, a couple years ago, when they had to close down the PCS operations, I always thought that that was because the YRCAA pulled their permit. But, you can't pull a permit that hasn't been issued. And, so I'm wondering, and you can't modify a permit that hasn't been issued. Was there ever a permit that was issued?

1:09:44 Marc Thornsby: Do you want me to field that or do you?

1:09:46 Hasan Tahat: No, me. The one thing we stopped the PCS in particular, and there was an application and based on our air emissions calculations, that would not jive with what, I shouldn't have used that word really, you might misunderstand, the air emissions that when we, back and forth with them, application, we, they finally decided they were not use any PCS. Did we issue a permit for them for the facility before from this agency? To my understanding, no.

1:10:27 Nancy Lust: So the entire time Anderson owned it there was no permit.

1:10:29 Hasan Tahat: Okay, that, that needs to be..I need to be also very specific here. Limited purpose landfills, they are also permitted by the Department of Health.

1:10:43 Nancy Lust: Yes.

1:10:44 Hasan Tahat: The rules and regulations way back as WAC 173.304, it was only for inert materials. Inert materials, in the real, if you look at what is really in inert materials, there are really no air emissions accept particulates.

1:11:05 Nancy Lust: Right.

1:11:07 Hasan Tahat: Based upon that fact, now we have WAC 173.350 for limited purpose landfills. So, we are looking at them from this point of a view. But, do we have the permitting, I'm not trying to deflect your question. Okay? I'm trying to look at it from our point of a view. I want to resolve an issue and move

forward. I don't want to go backward. That's the way how I look at it. I cannot, I cannot fix what happened in the past, I'm not going to say that I'm not responsible for that, the Department of Health is responsible. Department of Ecology is responsible. That's not, that's not the issue, the issue your asking, we did not because it was an inert, basically really, there is no air emissions at all. So some permitted those facilities, some did not permit their facilities, the Department of Ecology have an agreement, or they delegated that part to the Department of Health for the permitting part. Too short and sweet did we? The answer is 'no'. Did we issue a permit for the other one, 'yes'. In 1997 we did, for the Caton landfill. But that's where exactly I'm looking at the...the difference, it's really an inert materials mainly, PM10 and there was no PM2.5, there is no toxics, there is nothing anything there. So that's why the reason.

1:12:53 Nancy Lust: So... (Mark Thornsburg interrupts)

1:12:54 Marc Thornsburg: I think the answer to your underlying question is, that at some point there should have, there should have been one. And, so far as we can tell, that does not appear to have occurred. Hasan is correct when he states that the PCS issue is one where they were anticipating, and in fact I believe, started, already, operations ____? PCS.

1:13:21 When we identified, this comes under the enforcement piece, we identified the PCS material on site, and we went to them and said, if you have the petroleum contaminated soils on site, you have to have to have a permit to address them, those. And, then it became a question of what do we have to do in order to obtain a permit. And, we described what the information was, what requirements they would be required to meet, and the decision, business decision, was that it was, and I'm making some statements that are broad generalizations here, so I again, and I'm not speaking on behalf of anyone else, but my impression is that from a business stand point, it just simply didn't make sense, given the requirements to address PCS to actually deal with them. In short, there wasn't enough money in it. So that is what prompted the end to that operation, although some of that material is still on site that was already preceding them.

1:14:18 Nancy Lust: So do they have to have a permit, a valid air operating permit to remediate the PCS?

1:14:29 Hasan Tahat: Eventually yes, but right now this permit, they don't..they're not receiving PCS.

1:14:33 Nancy Lust: I now their not receiving it but they're moving it around. They're moving those piles around.

1:14:39 Hasan Tahat: No, in this permit, okay in this permit what is one of the requirements is the condition that _____? limited them to 364 days specific. I specified that in the condition or they, it must be removed within 364 days. So...

1:15:02 Female: Removed where?

1:15:03 Hasan Tahat: I don't care, to be honest with you.

1:15:06 Marc Thornsburg: Well last...Inaudible audience comment/question

1:15:07 Hasan Tahat: No, no...out of that facility. But let me, let me, when I say I really don't care in the sense that they want to bring it to Roosevelt. They want to bring it to Seattle, they want to bring it to Oregon, and have it treated, that's their prerogative. I'm not going to require them to do whatever I specificate, but my, our point is, within 365 days before it has to be out. So let me go back and I think my understanding with PCS and particulates, when those materials, they come in, they have been tested and they have a manifest saying exactly how much whatever is in that, and then they treat it here, and it can be by attenuation or natural attenuation, or they use biological, maybe add some bugs to it to enhance that biodegradation faster and once it reaches the specific MTCA's either Table A or Table B, that's not, I don't remember everything, and they have to test it and if they meet that lower level, they submit that test to the Department of Health and they either put it whatever they need to do that. So that is something. That's the process that we have, how the process works. So, if those current pods they have, if they meet those lower levels and the Department of Health says you can go ahead and put it wherever they, they can put it, that is really what the Department of Health is going to certify.

1:16:54 Marc Thornsburg: To answer your question, and I think you have to be a little careful about some of, some of your terminology, it's not that we, it's not that we don't care, but we don't have control over what happens to it, other than it has to be, if it is not petroleum contaminated soil that has, that is declared clean. When I say that, it meets the minimal level of requirements then it has to go to a facility that is certified to accept that kind of hazardous waste. You can't just put it anywhere if it has not been cleaned. If it does reach those levels and is clean, they could theoretically place it in their own landfill. I think Hasan point is that there is sort of a time frame on this. So, there is sort of three potential outcomes with the petroleum contaminated soils that are currently on-site. One is they continue to be remediated and are certified and declared clean, in their entirety at the end of the one year period, and the, just the problem goes away. They are not clean at the end of the one year period, in which case either that they decided they're going to go into petroleum contaminated soils business, and get permitted for that, or it gets removed and goes to a proper disposal facility.

1:18:10 Male: Who's verifying that?

1:18:12 Marc Thornsburg: I think that answer's your question.

1:18:14 Male: Who's verifying whether they're clean or not?

1:18:16 Marc Thornsburg: That would be Department of Health.

1:18:19 Male: So, they're sending out someone independent from DTG?

1:18:26 Marc Thornsburg: Yes, that's my understanding but again I can't speak for them.

1:18:29 Nancy Lust: Should they be..

1:18:30 Hasan Tahat: Let me clarify, when I say I don't care, I really don't care after the what is the condition say is 364 days. I don't care whether they bring it to Seattle, or Oregon, because there are facilities to treat it on the spot for them, All they are, some facilities accept it in the landfill.

1:18:52 Nancy Lust: Okay, so here's our concern. Well here's my question. Should DTG be, should any of those piles have been, should they have been moved at all, since you pulled that permit? Or, since you told them they can't have, they can't accept anymore PCS? Should they have been allowed to continue with the remediation? Or, do they need to wait until this permit application is successful, and then they can begin to remediate?

1:19:31 Hasan Tahat: No, they need ... I see your point. Part of the remediation for PCS, if I understand correctly from what they do in the facility, they also aerate that every now and then. So that's part of the treatment and they also spray with some bugs that eat the hydrocarbon for in those soils. So those are methods for the treatment and that's why I really in my permit, I don't want to go there. I put the limit for the 364 days, if it is being treated in accordance with what the Department of Health because they ____?

1:20:20 Nancy Lust: Does the 364 days start.... when you get the permit, did it start?

1:20:24 Hasan Tahat: From the day we issue the permit.

1:20:27 Nancy Lust: Okay, so there shouldn't have been any moving of soil in the PCS area since you shut them down basically. Shut the PCS down.

1:20:37 Hasan Tahat: I did not shut them down.

1:20:38 Nancy Lust: Well since they decided not to do it. Since...am I correct in saying that those piles should not have been moved.,,,, Steven?

1:20:50 Steven Newchurch: So if you're talking about moving them outside of the area permitted, no they shouldn't be moved outside of that area, but they should be moved to be remediated so spread out in long rows.

1:21:00 Nancy Lust: So it is okay if they're moved for remediation purposes right now?

1:21:05 Steven Newchurch: Yes, it has to be so that we can get that material offsite or ...

1:21:09 Nancy Lust: Okay what Hasan seems to be saying is that the remediation starts when they get their permit, which they don't have yet.

1:21:16 Hasan Tahat: No.

1:21:17 Marc Thornsby: The clock starts ticking when the stuff either has to be cleaned or when it has to leave the site. That's what starts the...

1:21:26 Nancy Lust: Nancy Lust – So when did the clock state?

1:21:27 Marc Thornsby: It starts at the issuance of the permit ...

1:21:30 Nancy Lust: Which hasn't happened yet.

1:21:31 Marc Thornsby: That's correct, it hasn't happened yet

1:21:32 Nancy Lust: So they shouldn't have moved anything yet?

1:21:33 Marc Thornsby: No, no.

1:21:34 Steven Newchurch: We're requiring them to, so they can, they need to keep remediating it. They can't just let it sit there and then keep the contamination in the soils and doesn't get remediated, then we also have....

1:21:44 Nancy Lust: Right.

1:21:45 Marc Thornsby: The clock is ticking is not about moving them. The clock is ticking about when they have to be resolved and...

1:21:53 Nancy Lust: I think that there's confusion about the word move. I'm talking about the difference between all these little piles (using unidentified pictures of PCS site) and so these piles, which I think was from 2020,

1:22:12 Jamie Carmody: Excuse me. Nancy, you're on a written record so somehow identify that. First, and Nancy you want to identify the person you're asking,

1:22:22 Nancy Lust: That was Steven Newchurch, with the Yakima Health District, that I was asking the question because he's been out there, and knows these things. But, I have a picture of a PCS map from Google Earth, that is labeled 3/25/20 and has about 50 piles. And, then I have a picture that I took last, couple of weeks ago, and this pile, this picture there's not an aerial photo, but it looks like the piles are in rows that don't correspond to this picture and I don't know if any of this soil has moved out of this area, but it has moved around this area, within this area. And, I'm trying to find out if that's okay or not.

1:23:17 Steven Newchurch: It is. We're requiring them to do that.

1:23:20 Nancy Lust: Okay, I will shut up about PCS.

1:23:23 Marc Thornsby: I think the key thing to remember with that is in order for to, to be remediated, because it's a natural process you have to expose the core at some point, that's what the moving is all about, otherwise...

1:23:35 Nancy Lust: Right.

1:23:36 Marc Thornsburg: Because otherwise it doesn't...

1:23:37 Nancy Lust: I get that you have to farm it.

1:23:38 Marc Thornsburg: Yeah, all the outside is going to be clean and then you're going to have this nasty core if that isn't exposed, so that's what's driving it.

1:23:44 Carole DeGrave: Which is going into the ground possibly and theres no monitoring wells there.

1:23:50 Marc Thornsburg: That, I do not, we do not know about. That would be a Department of Health issue.

1:23:57 Nancy Lust: I guess one of the concerns, you have my written comments, but for the record here at this meeting, I, I really, really want ... I think part of the frustration of having to be a community member, and deal with this situation, as well as I imagine, part of your frustration, is just figuring out what the permit documents are saying. Where are they? Where are all the documents this company is supposed to be abiding by? Because it's really complicated. There's multiple operations, there are multiple permits, multiple permitting agencies, multiple years. And, to me, when something comes up for a permit renewal or I guess, initial permit in this case... these things become opportunities to have a really clean historical record of the WAC changes, the permit changes, the site characterization changes, and that's why I really, really would appreciate it if you would ask DTG to revise their application, update it, improve it, bring it so there's more rigor and more transparency for the public. I think that would be helpful, not just to us, and not to just the regulators, but to DTG. I mean, they probably didn't know they didn't have an air operating permit when they should have had one. It would have been nice when they bought the company to know that. So, I just think it benefits everyone.

1:26:06 Marc Thornsburg: Thank you.

1:26:07 Nancy Lust: Thank you guys.

1:26:11 Marc Thornsburg: Is there anyone else?

1:26:15 Bill Bosch: I'll try to be brief.

1:26:18 Marc Thornsburg: It is the bewitching hour.

1:26:23 Bill Bosch: For the record, my name is Bill Bosch, I live at 805 N 51st Ave. I'm a long-time user of the Cowiche Canyon trails and the Snow Mountain trails. I was a former member of the Board of the Cowiche Canyon Conservancy. I think outdoor recreation, hunting, fishing, hiking are important values to this community. That means we need clean air, and we need clean water. I appreciate Mr. Carmody's question, I had the same question about who's doing the monitoring out there. It's disappointing to hear that it's the fox guarding the hen house. You know permits are only as good as the enforcement of those permits, and the perception from everything I've read and heard with respect to this situation, is that, if it wasn't for these community members out there doing some monitoring on their own and reporting back to

the agencies who have given these permits, we wouldn't know whether they even have the valid permits. At times, it seems they didn't have the valid permits for the operations that are currently happening. Whether they're in compliance with those permits, whether new permits are required and it's not fair. It doesn't seem right that the public should be in charge of enforcement. We pay taxes, regulations are in place for a reason.

1:27:58 So, the other comment, I had the same one as this gentleman back here about there is an awful lot of different permits happening from different agencies and there doesn't seem to be a big picture person, or a big picture agency, kinda overseeing everything, and as Nancy has mentioned, and others too, that this corporate citizen has demonstrated that their..they have other values, and the values of this community aren't really at the top of their agenda it seems like. So we're looking for other folks to protect our values, I guess and protect us, as someone said. And, then one other thing, I had at the top of your presentation you said that Cell 1 was closed, and therefore it wasn't considered. I'm just a little curious as to what exactly that means. I mean, I assume just because that a cell is closed doesn't mean it can't emit particulates.

1:28:59 Hasan Tahat: No, basically what is really meant by that slide at the top of the presentation is that cell..now whatever is coming in eventually it would be going to Cell 2 because Cell 1 is closed, as far as the load for the total volume in Cell 1, it's already done. There is no more acceptance in Cell 1. That's what I mean by that.

1:29:26 Bill Bosch: Yeah, I guess I probably don't understand exactly what's all involved, but it seems to me Cell 1 could have a burp.

1:29:34 Marc Thornsby: We're not saying there isn't anything coming out of it, what we're saying is the calculations for the permit for new material coming in, because that cell is closed, there will be no new additional material added to it. Whatever is there is there. The calculations looking forward for what will occur under the permit will be in Cell 2, because there won't be ... we're not saying Cell 1 is done, that's one of the unique characteristics of landfills over most pollution generating entities, is that you through the switch, the machine comes on and stuff comes out of the stack, you turn the switch off, the machine stops and the stuff stops coming out of the stack, right? Not with landfills. Landfills because of their lifetime, you can close a landfill and stop putting material in it and still have 10-15 years worth of emissions that come out of it. Whether that's going down or going up. So we are not saying that.

1:30:28 Bill Bosch: Okay, alright.

1:30:31 Hasan Tahat: Just to, I appreciate those comments and to answer one important question here you ask is that ...the fox guarding the hen house is, in this agency and in our business where there is really specific air industry so when we are asking for source testing in particular, it is really being done by a third party. That is the general norm, that's the norm. So, I'm not, I don't want you to misunderstand that, all the time is being done by the facilities themselves. Source testing is being done by a third party. So in this case, we could, and I'm not, don't misunderstand the facility also must some of the data we receive, not only from the facility themselves, it's being done by a third party and submitted to them. So the facility hires, let's say specific companies, say this is what we need you to do. And, that company is completely independent. In a sense that they're responsible for their data. So the facility could do that. And we could

also specify that, I will clarify that in the permit, so every so often to come from third party that will clarify that. Thank you.

1:32:04 Marc Thornsberry: It might be worth it to use an analogy when we view this in the context of the company that hires an outside accounting firm to come in and audit its books. The idea is you don't have people who are inside the agency, who are inside the organization, auditing their own books, you have an independent third party that comes in and accomplishes that. So when we say, well the permittee is responsible for doing that, and just to reiterate what Hasan is saying, that's not necessarily meaning you have employees that are out there going, well gee it kinda smells bad, let's do the test over here or instead of at the point that is specified, now we'll just report that we got clean readings over here. It's not, what we're saying is they're responsible for contracting with a third party and paying them for that service. But again, it's more akin to an outside auditor than it is to you know, having, you know Joe from the backroom here, and you give him a wand and tell him to go out there and find a place that looks good and take a sample.

1:33:05 Jamie Carmody: Except for CPA's have independent verification so when they're signing off and making representations to other people. You can have a consultant that comes in and you don't get that same type of verification. You just get someone to do the job.

1:33:20 Marc Thornsberry: Well as a general rule of thumb, the ones we've seen are engineers with a professional engineer's license from the State of Washington. Now we can, I can't say as I've know anybody who hasn't been one that has done that type of work, but we can write in a provision that this work requires a professional engineer. That puts your license on the line, just like a CPA.

1:33:42 Carole DeGrave: What about a professional engineer, maybe chosen by the community?

1:33:49 Marc Thornsberry: And well, you're certainly welcome to make that suggestion.

1:33:55 Bill Bosch: Is evaluation any part of the time of your announced visits? Do you bring instrumentation out on potentially unannounced visits to just check something?

1:34:04 Hasan Tahat: No, I'm just being honest with you, because we don't have those instruments.

1:34:07 Bill Bosch: Okay.

1:34:08 Hasan Tahat: It's okay because the Department of Health, Department of Ecology, they do have some of those equipment and they bring them with them so but we don't.

1:34:20 Bill Bosch: I assume potentially the neighbors may contract with an independent source to to provide some evaluation.

1:34:26 Marc Thornsberry: Did you have any other comments?

1:34:27 Bill Bosch: No, thank you.

1:34:29 Marc Thornsberry: Is there anyone else that has, who has public comments to make? We are at 7:35 pm.

1:34:39 Ian Sutton: That's great, so Ian Sutton, DTG. As far as the air monitoring, right now what we do, as far as our third party monitoring is quarterly through Freestone, they probably have a technician that goes out there, not a licensed engineer, that actually does that. I think they have licensed engineers within their organization. Typically we wouldn't have a licensed engineer go out and do that, but within that organization there's professional responsibility.

1:35:07 Marc Thornsberry: Those are reviewed internally aren't they, by, by someone?

1:35:10 Ian Sutton: I don't know if they're required to be stamped by..

1:35:14 Hasan Tahat: They're not required.

1:35:15 Ian Sutton: ...a professional engineer via the WAC, so just going back to the way the WAC requirements and things. The only other thing I kinda wanted to touch on was the SEPA. So the 2015 SEPA, that, that's a relevant SEPA. It says here's the landfill, here's the footprint, here's your waste your allowed to take, and none of that has changed. There may be differences in volumes about how much the facility is receiving on an annual basis, but fundamentally, nothing else has changed here. The land hasn't changed. The footprint hasn't changed. There's not new wetlands or streams coming through the property.

1:35:53 Male: Hasn't the material that's been deposited changed?

1:35:57 Carole DeGrave: Yes.

1:35:59 Nancy Lust: And the Vantage Interbed?

1:36:00 Carole DeGrave: Definitely.

1:36:01 Nancy Lust: And, the south slope ...additional unpermitted cell?

1:36:09 Ian Sutton: Do you, do you want me to have an open conversation, or I don't know what...?

1:36:14 Marc Thornsberry: No, just make your statement.

1:36:17 Ian Sutton: Okay..and, that's the main thing, I mean there is, this is, an on-going facility and as it develops anyone who has information comes out we just put in MW4 so there's new information on the geology under the site. Grant was out there doing some borings, as far as you know just determining the geology, you know all that goes into the site model and as we put in more wells that site model gets updated. We're currently going through a permit process with the Health District to update the engineering report, all the hydrogeologic reports, the sampling and analysis plan, all these things evolve with time, we

have to sample for PFAS now, that wasn't in there in 2015, but it's not a reason to update the SEPA. So I guess that's what I want to say on SEPA.

1:37:10 Marc Thornsberry: Does that conclude your remarks?

1:37:12 Ian Sutton: Sure does.

1:37: 15 Marc Thornsberry: Okay, is there anyone else who has any other comments they would like to make? Okay, well then given the late hour, I'd just like to conclude by thanking everyone by coming out and for the comments that were submitted. If you submitted comments, written comments, prior to your arrival, or if you wish to submit written comments in addition to the ones you submitted tonight, please do so promptly. I will just note because this seems to be a kind of reoccurring theme, and I want to be, I want to acknowledge it, and be sensitive to it, that the regulatory agencies, including this one, have not always usually a reluctance by anybody in a public position to ever make a statement like that. I think there's a certain honesty that's demanded, and while I can't tell you that everything has been resolved and nothing like that will ever happen again, I could tell you that but I don't think that would be quite honest. I do want to say that there have been a number of changes that have occurred in the time that I have been with the agency. There was a comment made about the fact that there wasn't any overarching, you know, entity that was responsible for sort of the whole thing and I will tell you right now, that you're not going to get that (laughs).

1:39:05 Female: Do you know what landfills are?

1:39:08 Marc Thornsberry: But that having been said, there's a lot more work and I would hope that Steven would support this statement, that there's been a lot more work with the other regulatory entities in terms of understanding where everybody's at, what they're doing, how the parts fit together, and try to address that. This agency has also put more resources into compliance, staff. We went from when I arrived at the agency we started out with 60% administrative staff and 40% operations staff, and we are now 60% operations staff and 40% administrative staff. And so, again that does not, that does not erase or wipe out what may have occurred in the past. But I'd like to at least think that it is real boots on the ground evidence that progress is being made, and I will just close with those remarks unless you have any additional ones.

1:40:17 Hasan Tahat: No.

1:40:18 Marc Thornsberry: And again, thank you all for coming.

1:40:19 Audience: Thank you.

1:40:28 Audio ends.