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

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Subject: Comments on DTG New Source Review Application and proposed YRCAA Air Permit

On behalf of Carole DeGrave and Friends of Rocky Top (FORT), we respectfully submit the following prepared comments on DTG's New Source Review (NSR) Application to the Yakima Regional Clean Air Agency (YRCAA), and to the extent possible, on the YRCAA's proposed Order of Approval for DTG's Limited Purpose Landfill Air Operating Permit.

Background

To appreciate neighbor and local concerns about landfill operations and permitting at this location, it's important to review the Anderson site history, which began with a special property use permit issued by Yakima County on July 18, 1983 to Ron Anderson for a 10-acre surface mining permit (SPU-27-1983; Permit #675), with expiration set for December 31, 2003. A second special use permit was issued in 1987, allowing establishment of an asphalt plant and increasing the amount of material mined annually (SPU-21-87; Permit #906).

In 1988/89, state and local agencies approved disposal of demolition waste in the Anderson Site unlined surface mining pits located near the intersection of Summitview Road and Rocky Top Road, as evidenced by multiple sources including: Yakima County code enforcement officer complaints reporting demolition pit fires in July 1989 (Swackhammer ERTS complaints), and Yakima County Planning Department approval of Anderson's Sanitary Landfill to Process Contaminated Soil (SPU-41-91), 4. Current Zoning and Use which states:

> *There are three quarries operated by the applicant in the vicinity, and two additional quarries operated by others to east across Summitview Road. The applicant's pit located at the northwest corner of Summitview and Rocky Top Roads is being refilled with waste materials from the demolition of buildings. A solid waste permit was issued by the Yakima Health District for this purpose.*

And under 5. Project Description

> *Soil contaminated by petroleum products is brought to the site for treatment, where it is spread, aerated, and retested until it meets state clean-up standards for "problem wastes".*

The soils are then either used as a cover for the existing construction waste disposal pit on the site or crushed on site for use in making asphalt.

This site has been licensed since 1989 by the Washington State Dept. of Ecology. Originally DOE controlled operation of the site because the regulatory framework had not yet been established as to how to deal with this new activity. Now DOE is transferring control with respect to permitting the land use to the local jurisdiction, being Yakima County in this instance, and is also remanding control to the Yakima Health District with respect to monitoring the operation and issuing a solid waste permit. Accordingly, this permit is simply to replace the current regulatory framework.

Anderson Rock & Demolition Pits, Sanitary Landfill to Process Contaminated Soil
Yakima County Special Permit Use SPU-41-91, Zoning Adjustor's Decision, Sept. 12, 1991

As described above, the unlined demolition pits were originally "licensed" by Ecology and received waste in 1988/1989, and in 1991. The County approved Anderson's unlined 15-acre Petroleum Contaminated Soil (PCS) remediation facility (SPU 41-91) and added sanitary landfill disposal in 1992 (SPU-29-92), and the demolition pits were allowed to be covered with remediated PCS.

Anderson was soon accepting PCS from all over the state, including Puget Sound and the U.S. Army Yakima Training Center (YTC). As Ecology disclosed in a letter to the Yakima Health District, this included 743 cubic yards of PFAS contaminated soil in 2004 for remediation and landfill use and/or disposal (see Rivard letter to Magee, YHD, Jan 19, 2023). Critically, it was during this time (1989-1990) that Ecology transferred solid waste facility permit and enforcement authority to local agencies (Yakima County and Yakima Health District).

What makes the unlined demolition pits covered with remediated contaminated soils a growing concern is the fact that this material was marginally regulated, and routinely reported on fire, requiring dousing with water. As regulator's are aware, no groundwater monitoring wells were ever required or established for the demolition pits or PCS site (although 3 monitoring wells were recommended for the PCS site per SPU-29-92, #13) which are closer to Cowiche Creek than the LPL, MTCA site, or the PCS facility.

The proximity of the demolition pits to nearby Cowiche creek (approximately 1 mile) is concerning because fire dousing has the potential to leach waste contaminants (leachate) into the subsurface and eventually groundwater resources, which here are likely in communication with the creek. The burned material may have included tires which, along with roadway tire dust, can leach a toxic chemical; 6PPD-quinone. According to Ecology, tires release this toxin that ends up in roadway dust, and via water, can enter stormwater systems, drainage areas, groundwater, and sources that feed creeks and streams (see Ecology news release, Saving Washington's salmon from toxic tire dust, January 25, 2023). The Yakama Nation are re-introducing steelhead into this stretch of the river.

<u>Problematic groundwater monitoring and sampling</u>

Notably the unlined demolition pits at/near the current landfill office, and the unlined PCS remediation site were never included in the groundwater monitoring system, which started in 2006 with two wells completed in separate water bearing zones. After landfill neighbors exposed the weakness of DTG's two wells in separate water bearing zone system through multiple technical

memorandum in 2021, Ecology pushed the company in early 2022 to drill wells and further investigate groundwater conditions.

DTG's John Martin claimed to regulators that DTG was "*eager to develop a concrete action plan to work with Yakima Health to address the points in your February 11, 2022 letter*" (see John Martin email to James Rivard, re DTG Yakima LPL – Virtual Review Meeting, February 15, 2022 9:40:18 AM and James Rivard letter to Shawn Magee, YHD, re DTG LPL New Cell Development – Hydrogeology Comments, February 11, 2022 letter).

Rivard's February 11, 2022 letter confirms the inadequacy site characterization and resulting groundwater interpretations, and critically, that the existing monitoring network does not meet WAC 173-350-500 requirements. Rivard recommends DTG conduct additional field work, including drilling multiple wells. While Martin committed his company was eager to do just that, the reality is DTG was more committed to keep costs down and delay this work during negotiations that summer with Macquarie Asset Management for sale of *all* of DTG's assets, including this landfill that was spewing toxic odors and was under investigation. As we know, the LPL would be confirmed a few weeks later as a state Model Toxic Control Act cleanup site.

The landfill's two well monitoring system continued under DTG management until July 2022, when the company begins and quickly end their so-called "*concrete action plan*" to meet the requirements of WAC 173-350-500 after drilling one well (50 feet), and then stopping during the drilling of a second well due to *budget implications*. DTG's termination of this necessary field work meant DTG would not be able to generate the required data to address regulator's expressed concerns for permit renewal in June, 2023.

In early 2023 it was clear DTG was still not going to address the identified groundwater monitoring system and permit issues described above because the facility became a state Ecology MTCA site, which has paused its investigation due to a preeminent issue – a multi-layered fire in the MTCA site area of the landfill.

Not surprisingly, DTG's permit renewal was denied by YHD on June 27, 2023 for multiple reasons as noted above. As a result, DTG's landfill is not permitted to operate and will not be permitted until further groundwater investigations are conducted and regulatory concerns are fully met.

As has been widely acknowledged by regulators and reported in the media, DTG landfill operations have disclosed a range of significant adverse impacts and concerns upon adjoining and nearby property owners. Relevant to this permit, these impacts include the inhalation of harsh, eye-watering toxic gasses from DTG's operations experienced by landfill neighbors, people recreating near the facility, and those living over ¼ mile away on Summitview Road, reported to facility regulators -- including the YRCAA, Yakima County Code Enforcement, Yakima Health District, and state Ecology -- since DTG ownership. These citizen odor complaints led to regulatory investigations that eventually required DTG to sample ambient air and soil gas, detecting volatile organic compounds (VOCs) at the facility in December 2021 and confirmed in July 2022. Benzene and naphthalene were detected in ambient air at concentrations exceeding outdoor air quality standards under the Model Toxics Control Act (MTCA).

In 2023, Ecology and East Mountain Investments, Inc. and DTG Enterprises, Inc., negotiated an Agreed Order (AO) for cleanup work at the site. The AO requires delineation of hazardous compounds

in gas originating in the waste and groundwater monitoring to identify if hazardous compounds have reached groundwater. Because the landfill was approved without the required standard liner, and surrounding neighbors all rely on groundwater for their drinking water supply, there is heightened concern about potential future contamination given the history of demolition pits, fires, suspect disposal, PCS remediated soils used on site and disposed, including 743 cy of PFAS contaminated soils from the Yakima Training Center between 2003-2006. One round of well sampling of some neighbor wells was completed last year with no detections of concern. However, no PFAS monitoring is planned of neighbor wells.

With three monitoring wells located in different water bearing zones, DTG isn't monitoring groundwater per state requirements. Unfortunately, the company's lack of serious site characterization and groundwater monitoring to date hasn't prevented it from operating, regardless of state groundwater monitoring requirements. Equally important, less monitoring wells means less sampling locations, and less chances to detect landfill contamination.

Why is this so important to neighbors? In March 2023, DTG contractors identified temperatures greater than 500ºF at a depth of 10 feet below the landfill's surface. These high temperatures and gas readings collected from within the landfill confirmed the fire beneath the surface. A fire suppression plan is being implemented. In addition, significant amounts of gypsum and organic material are being accepted for disposal at this facility.

Consequently, it appears the application and agency are unaware of important changes in the management of both. In 2022, Washington passed legislation (ESSHB 1799) requiring establishment of local *Compost Procurement Ordinance Adoption and Reporting Requirements* to divert organic material from disposal. Related, an increasing number of governments have banned landfilling gypsum to eliminate toxic and odorous hydrogen sulfide gas which is more flammable than methane (see comments on both below). The landfill fire is a catalyst for chemical decomposition and leachate generation, increasing the risk to groundwater resources.

Consequently, it is of serious concern to neighbors and the public – particularly facility neighbors who rely on groundwater for their drinking water -- that DTG was allowed to operate this landfill without an air operating permit from YRCAA for fifteen years, and continues to delay drilling required monitoring wells to meet state standards and conduct ample sampling to confirm local groundwater quality, including for PFAS. Lately, DTG informed regulators they will begin this work in the winter of 2023/24, nearly two years after committing to be "*eager to develop a concrete action plan to work with Yakima Health to address the points in your February 11, 2022 letter*".

Specific comments provided below.

I. DTG's NSR Application

Comment #1: General

DTG has submitted multiple NSR LPL applications to YRCAA since 2020, and there have been numerous communications with agency staff regarding the requirements for a complete application. Consequently, it is disturbing that DTG's application was considered acceptable for approval as it relies on outdated information, plans, figures and graphs that combined, misrepresent site conditions and threat to nearby neighbors. Old and stale information is insufficient to evaluate current

conditions that are evolving and subject to current investigation. Consequently, we respectfully request the YRCAA require the application to be withdrawn and resubmitted with current, updated information.

DTG's application identifies the presence of the MTCA area, the Agreed Order, and Ecology's paused but on-going investigation, but never evaluates how these multiple evolving regulatory agency actions and decisions at this facility that may impact the YRCAA air permit process for this applicant. As the MTCA investigation is just now being restarted as the landfill fire is slowly being smothered with layers of compacted soil, much of which included excavation of the natural soil liner that was part of a geologic formation known as the Vantage Interbed. All of this occurred at a time when DTG disposed of over 700,000 cy, setting another annual disposal record.

Since this is a private facility that is permitted to accept waste from anywhere, and recycle only what it deems to be economically beneficial, it flowed significant volumes of waste to Yakima, not for recovery, but primarily disposal (see **Comment #12**).

The application continues with the same accepted waste and unrestricted disposal policy that allowed the company to increase its flow of material for disposal, including drywall/gypsum and organic matter that combined in a landfill, contribute to hydrogen sulfide gas production. Neighbors do not support this outdated, misleading, inaccurate application (see comments) and respectfully request the YRCAA to deny the application.

Comment #2: Section 8 states:

"Public notice should not be required because the application does not ask for or require any of the actions subject to a mandatory public comment period per WAC 173-400-171(3)."

Comments/Questions: We understand that public notice and comment is required as there is substantial public interest in this matter. We cite two regulations:

- WAC 173-400-171(3): The permitting authority must provide public notice and a public comment period before approving or denying any of the following types of applications or other actions: (n) An application or other action for which the permitting authority determines that there is significant public interest.
- 40 CFR 51.161 which is under Subpart I: Review of New Sources and Modifications state that "The legally enforceable procedures in § 51.160 must also require the State or local agency to provide opportunity for public comment on information submitted by owners and operators."

YRCAA currently provides public notice of new applications and permits by posting them on its website. The assumption being that interested parties will be sure to check this location in order to respond and provide timely input. In this instance, impacted neighbors became aware of the YRCAA DTG document posts from a third party on September 6th, leaving 13 business days to review the application, permit, source materials, and related federal, state and local regulations.

To insure adequate public notice and timely engagement from interested parties, public entities generally provide notice of upcoming actions including permit approvals to their local media and interested agencies. Also, 30 days appears to be the routine time given for public comment. We

respectfully encourage YRCAA to consider adoption of similar public notice policies to ensure compliance with the aforementioned regulations and increase public engagement.

Comment #3: Section 1.2

Comments: This description contains incorrect and misleading statements and should be rewritten.

A. The PCS facility is 15, not 7, acres ever since 1991, see SPU 41-91
B. The LPL footprint was 125 acres, but because of four changes, it will be reduced
    1) 1,000 ft setback from residential supply well (setback was about 400 ft)
    2) 100 ft property setback (setback was 50 ft)
    3) Installation of landfill liner and leachate collection system and collection pond
    4) Installation of MRF building with impervious floor

These and other potential landfill construction and engineering alterations will require DTG to reconfigure the 2015 footprint, which it references throughout this 2023 application. Doing so presents an inaccurate and confusing portrayal of DTG's application scope, site management, and current facility operations, including the landfill's cell development and footprint.

C. The description states: "*The permitted MRF operation occurs within the LPL footprint."*

While regulators initially permitted the MRF to be located near the landfill working face, this is no longer true. Facility regulators have negotiated with DTG to construct a MRF building with an impervious floor. Consequently, creating this structure and related traffic routes will further reduce the LPL footprint.

D. The description states: *"There are private residences and orchards to the north and northeast of the facility. The area to the southwest, west, south, and southeast is vacant arid land."*

DTG's Rocky Top operations, including the LPL, are surrounded by dozens of residences and orchards to the northwest, north, northeast, and east. Consequently, neither the site description or Figures 1,2,3 & 7 (discussed next) acknowledge the people who have been and will continue to be the most impacted by their operation and the YRCAA's permit decision. It also fails to identify public trails and recreational areas within the immediately surrounding area.

Comment #4: Figures

Comment/Questions: The YRCAA permit corrects multiple faults in the application, including providing the company's updated site plan (see Figure 1 *Current site plan of LPL showing various site operation; PCS, Rock Quarry, and LPL temporary expansion fill area, and LPL Phase II site*, page 18). This updated aerial photo and site plan was not included or referenced in DTG's revised Application August 2023. Instead, DTG relabeled the Anderson 2015 Site Plan from Brown & Caldwell, and an outdated LPL aerial (see Figure 1. DTG Site Plan and Figure 2. LPL Aerial, page 2).

A. Figure 1. DTG Site Plan

This figure is the 2015 Anderson Site Plan, generated by Anderson's contractor, Brown & Caldwell, that DTG labeled *DTG Site Plan* which as you can see, does not include any of the primary

developments discussed in the NSR application and required by regulators for future permitting and site development. As you may or may not be aware, DTG was scolded by Ecology for modifying the sealed 2015 LPL permit application document with an annotation on the title page stating *"Submitted by and updated for DTG Enterprises, Inc. after acquiring Anderson Rock and Demolition Pits."* This apparently was untrue. (see Ecology letter to YHD re Anderson LPL, PCS site and MRF Application, Jan. 23, 2020).

B. Figure 2. LPL Aerial

This is an outdated photo of closed cell designated with a *Working Face* misrepresents current LPL conditions of Phase 1/Cell 1 where the company is battling an ongoing landfill fire that has delayed the state's MTCA cleanup investigation of a large section. None of these current conditions are provided in this Anderson 2015 LPL permitting application aerial photo.

C. Figure 3. PCS Facility

This is an outdated photo prior to DTG ownership/operation. The PCS site is not being permitted and apparently, may never have received an air operating permit (more on below). Again, the PCS site proximity is not provided in the site photos or identified in the text or figures, thereby downplaying the known impact this operation has on DTG's existing neighbors. Importantly, regulators are aware of the odors generated from this facility because of odor complaints of rotten eggs, burning smells, acetone and other toxic smells that burned eyes and throats, making some nausea and forced to go back inside. The YRCAA should review the years of odor complaints and consider coming to neighbor's properties to understand their proximity to this facility and the air currents that largely flow the upgradient PCS site and landfill odors towards the north, northwest and northeast. To date, YRCAA staff have not visited DTGs closest and most impacted neighbors.

D. Figure 7. Conceptual Final Fill

These four figures present a misleading picture of actual site operations and conditions, and their proximity to many adjacent rural residential properties and apple orchards. Below is a Property Report Card from Yakima County's website for 390 Pioneer Way, Carole DeGrave's property and residence, highlighted in green (downloaded 9/20/2023).

As you can see, this aerial from Yakima County Public Services, Planning Division, YakiMap tool provides a current view of the LPL, Rock Quarry and PCS site and their proximity to Rocky Top

neighbors, including twelve residences in the Coyote Canyon Neighborhood Association and multiple orchards (Herke, Steenbergen, WGE).

Comment #5: Section 1.3

This Section states that the scope of the NSR application is limited to Phase 1 and 2.

Comments/Questions: This application raises various questions regarding the bounds of application scope:

- Redesignation of old Phases (Figure 1) to the new Phases (Figure 4). Provide necessary details on the old Phases (e.g., which Phases were filled with waste etc.) and how new Phases relate to those old Phases so that scope of this application can be defined.
- Figure 1 shows "LPL Expansion Area". It is unclear whether this area was just shown for preliminary planning, or this expansion area received necessary permits for landfill construction and operations. Either way, the scope of this application should be clearly defined as proposed Phase 2 (Figure 4) likely falls in this "LPL Expansion Area" limits (Figure 1).
- Application states that the application is related to Phases 1 and 2. It also states that Phase 1 is at capacity. Two questions:
- If Phase 1 is at capacity, then it should have gone through the NSR process and have an order of approval. The application fails to provide necessary details regarding what aspects of Phase 1 are requested as part of this application, i.e., only the phasing designation change, or Phase 1 does not have an order of approval and it is requested through this NSR application.
- Figure 7 muddles the scope of this application further. It shows additional fill over areas previously filled with waste and additional fill over Phase 2 fill shown on Figures 5 and 6.
- Anything that is not part of this NSR application scope, should be clearly identified, e.g., Figure 7, Phase 3 (new per Figure 4).
- How can there be a modification on expansion of something that was never approved? Or mathematically, how do you expand something you never had?

Comment #6: Section 1.4

Last paragraph states: "The previous owner, Anderson Rock and Demolition Pits, did not obtain an Order of Approval from YRCAA for operation of the facilities."

Comments/Questions: We assume that violations of operating without a permit are or will be addressed by appropriate regulatory authorities. Pertinent to this application, it appears that this is the initial NSR application for this facility. If that's true, the scope of this application should also cover existing landfill areas containing waste. As stated in comments above, this application fails to provide clear understanding of the scope boundaries.

Comment #7: Section 1.5

Last paragraph states: "This NSR application does not assess the emissions from the AO area as these are being addressed through other regulatory means. At the conclusion of the MTCA and YHD

processes, if emissions do not meet the substantive requirements for air emissions, the Order of Approval may require revision."

Comments/Questions: This NSR application appears to be the initial application for this facility. This section details that there are known landfill gas emissions in a localized area of the facility. This information raises questions regarding what waste types have been landfilled in the existing landfill areas so far and what is their emissions potential, especially given localized landfill gas emissions.

Comment #8: Section: 1.6 and 3 (pages 6 and 11)

The NSR Application does not include the required State Environmental Policy Act (SEPA) Environmental Checklist. NSR Application simply states that "…the site operations have undergone SEPA Environmental Review through the YPD." The referenced environmental documents include, in Appendix C, the following: (1) Determination of Nonsignificance (DNS) for 15-acre petroleum contaminated soil remediation facility dated September 10, 1992; and (2) Determination of Nonsignificance for 64-acre expansion of limited purposes landfill (LPL) dated September 9, 2015. The NSR Application is a new application that evaluates a proposal that is different from that considered in the referenced and attached NSR Application – Appendix C. The submission also fails to include the SEPA Environmental Checklist submitted with the referenced land use applications and environmental comments and application conditions with respect to the remote projects.

Comment/Questions: YRCAA have neither adopted nor incorporated the referenced documents as part of the environmental review of the NSR Application. WAC 197-11-600(4). WAC 197-11-600(3)(b) further require preparation of a new threshold determination in the following instances:

> (b) For DNSs and EISs, preparation of a new threshold determination or supplemental EIS *is required if there are:*
>
> *(i) Substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts (or lack of significant adverse impacts, if a DS is being withdrawn); or*
>
> *(ii) New information indicating a proposal's probable significant adverse environmental impacts. (*This includes discovery of misrepresentation or lack of material disclosure).

The NSR Application relates to a fundamentally different project proposal than the two referenced threshold determinations. The first DNS related to a 15-acre project for petroleum contaminated soil that was prepared thirty-two (32) years ago. More significantly, there exists significant new information regarding the proposal probable significant adverse environmental impacts related to the landfill fires, MTCA determinations, denial of LPL application extension, groundwater and air contaminants, and a multitude of other site specific environmental impacts.

The NSR Application also incorrectly states that a "…DNS or EIS has been issued by another agency for *this Project ….*" There has been no environmental review for the current integrated project that is subject to the NSR Application. The General Application also purports to include a certification from Gary M. Cuillier, Hearing Examiner, Yakima County, dated April 29, 2009. The application does not include an original signature even though it purports to include the Government Agency certification

"…that the SEPA has been satisfied or this project is exempt." The project is not exempt and SEPA has not been satisfied for purposes of the NSR Application.

Comment #9: Section 1.7.2

This section states that, "The inorganic permitted waste types are considered to be inert, or non-biodegradable; therefore, emissions of landfill gases such as methane, carbon dioxide, nonmethane organic compounds (NMOCs), and individual air pollutants from municipal solid waste landfills are assumed to be negligible".

Comments/Questions: The known landfill gas emissions in a localized area of Phase 1 (Figure 4) indicates presence of potential biodegradable waste types in the existing landfill. The application cites quarterly landfill gas monitoring data that shows gas detections below actionable levels. In absence of that data and understanding that there are biodegradable wastes landfilled in the Phase 1, this NSR application requires evaluating emissions generation potential of existing landfilled waste. We note that ambient air results are not the best indicators for landfill sites with limited landfill gas emission generation as emissions tend to significantly dilute after leaving waste mass and when entering atmospheric conditions. However, that does not mean that landfill does not have potential to emit landfill gas emissions.

Comment #10: Section 1.7.3

This section states that, "The waste will be placed in lifts up to 15 feet in depth with perimeter slopes of 2:1 or flatter".

Comments/Questions: Unless waste mass has big bulky material, standard industry practice for landfills is 3:1 slope. In some cases, steepness can increase to 2.5:1. This question is relevant to the capacity as capacity feeds into emissions that are within bounds of the NSR application.

To the surprise of landfill neighbors, in July 2022 facility regulators approved DTG's request to change the LPL side slopes from 3.0H:1.0V, to "final side slopes in excess of 300 high and inclined at a ratio of 2.0H:1.0V", adding valuable landfill airspace for disposal, based on DTG's consultant's analysis that provided this recommendation:

> *"Based on our analysis, adequate factors of safety are present for the LPL embankments inclined at slopes up to 2H:1V for both static and seismic loading conditions. Therefore, we recommend that a maximum LPL slope of 2H:1V be used for design purpose.*
>
> *This evaluation is limited to global stability of the waste fill and does not evaluate the stability of the soil cover material. Shallow skin slides based in the near-surface cover soil layers may occur after long wet periods (a low probability for this site). However, these are not considered a threat to global stability of the embankment but should be considered a potential maintenance requirement."*
>
> HWA GeoSciences, Inc., Technical Memorandum to John Martin
> GEOTECHNICAL STUDY
> CDWEMBANKMENT SLOPE STABILITY EVALUATION
> DTG-YAKIMA LIMITED PURPOSE LANDFILL,

Since ownership, DTG dramatically increased annual LPL waste disposal, with a record 477,599 cy in 2021 according to annual report (ECY 040-178 filed with YHD and Ecology. This material was disposed in the combined area of Phases 1,2 and 4, referred to as cell #1 in the YRCAA Permit, and the location of the MTCA site and landfill fire.

According to DTG's landfill fire consultants, LANDFILL FIRE CONTROL INC's (LFCI) memo to Health and Safety, Fire Control and Monitoring Plan for DTG's LPL, submitted to Ian Sutton, DTG's Director of Engineering, dated May 9, 2023, page 6:

> *"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."*

The combination of poor daily cover and waste compaction, lax regulatory oversight, and aggressive disposal allowed the company to create steep side slopes (between 2.0 & 1.4H:1.0V) with a pyramid shape, rising above its original permitted elevation. In short, a 300% increase in waste transport and disposal, mixed with slip-shod landfill disposal practices, created ideal conditions for fire production, that hindered efforts to investigate and remediate the fire.

Minimal property setbacks from neighbors has created multiple problems and recently resulted in a required purchase of a neighbors' property to remediate the LPL fire. Regulators must require ample setbacks for necessary environmental controls required, including the installation of vegetative screening and other mitigation measures.

Comment #11: Section 1.8

Paragraph no. 2 states: "As stated previously, DTG intends to discontinue acceptance of PCS until such a time as an Order of Approval can be obtained from YRCAA, but operations will continue until all existing PCS has been fully treated."

Comments/Questions: We assume that violations of operating without a permit are or will be handled by appropriate regulatory authorities. Pertinent to this application, we understand that "intend to discontinue" needs a hard discontinuation date.

Comment #12: Section 4.2

DTG uses unverified numbers for annual volumes of waste accepted, disposed and recovered at the LPL for projections of emissions. Specifically, the application relies on unverified 2021 data when actual 2021 and 2022 facility data exist, and is provided in the table below. The source is Ecology form ECY 040-176 filed annually (in cubic yards) of waste accepted, recovered and disposed.

Annual Disposed	Wood	Land Clearing	Land Clearing	Land Clearing	Land Clearing

	C&D, PCS & Lime	Waste	Debris Accept	Recovered	Stockpiled	Disposed
2019	152,683	0	11,322	0	11,322	0
2020	170,700	0	49,418	500 (1%)	11,318	37,600
2021	481,093*	0	32,725	25,737 (78%)	0	6,988
2022	709,769**	0	22,698	8,736 (100%)	0	13,962

** Includes disposal of 456,442 cy C&D, 17,488 cy of inert waste, 6,988 cy of land clearing debris, 175 cy of lime, & 164,400 cy of Canadian drywall backing paper (ground gypsum product)*
******* *Includes disposal of 688,108 cy C&D, 7,609 cy of inert waste & 13,962 cy of land clearing debris*

Section 4.2.1 states: *DTG accepted 512,794 cubic yards of demolition waste and 29,231 cubic yards of wood waste, for a total of 542,025 cubic yards of waste in 2021.*

Question/Comment: As DTG reported and noted in the above table, the 2021 total disposal was 481,093 cubic yards, not 542,025. In addition, no wood waste was accepted. While land clearing debris was, and largely recovered. Consequently, the disposal variance between DTG's claimed disposal of material and actual reported is 64,426 cy. Why did DTG add 29,231 cy of wood waste to this YRCAA NSR application that is inconsistent with the company's annual report to facility regulators? When DTG submitted this inflated figure with the added wood waste, the facility had just confirmed toxic gasses and was under agency investigation. Adding volumes of disposed wood waste could added biodegradable feedstock to LPL disposal, supporting the company's narrative that the emissions were from an identified green waste source. The public expects accountability and transparency by permitted solid waste facilities in reporting wastes accepted, refused, disposed, stockpiled and recycled.

Paragraph no. 2 states: Emissions due to diesel fuel consumption are not included in this application because these emissions are emitted by exempted nonroad engines and nonroad vehicles.

Comments/Questions: Does the engine meet the exemption criteria in 40 CFR Part 1068 Subpart C? If so, please mention more details on the exemption criteria or appropriate certification/label if applicable.

Comment #13: Section 4.2.8

The following equation is used in paragraph no. 2 to calculate emissions from Gravel Road Use by Light Trucks.

Emissions were calculated using Equation 1b, Section 13.2.2, AP-42:

$$E = \left(\frac{k \times \left(\frac{s}{30}\right)^{d}}{\left(\frac{M}{3}\right)^{b}} \right) - C$$

Where:

E = size-specific emission factor (lb/VMT)

s = silt content, %

M = surface moisture, %

C = emission factor for 1980's vehicle fleet exhaust, brake wear and tire wear

VMT = vehicle miles traveled

Comments/Questions: The highlighted equation is not the same as Equation 1b, Section 13.2.2.

The equation should be revised as per the guidelines in Section 13.2.2 of AP-42 and the emissions should be re-calculated.

Comment #14: Section 4.2.10

In page 22, line 5, the following equation is used to calculate annual size-specific emission factor extrapolated for natural mitigation (lb/VMT) for Paved Road Use by Haul Trucks.

The Equation 1a and 1b emission factors can be extrapolated to annual average uncontrolled conditions (but including natural mitigation) under the simplifying assumption that annual average emissions are inversely proportional to the number of days with measurable (more than 0.254 mm [0.01 inch]) precipitation:

$$E_{ext} = E \times \left[\frac{(365 - P)}{365}\right]$$

Where:

E_{ext} = annual size-specific emission factor extrapolated for natural mitigation (lb/VMT)

E = emission factor from Equation 1a or 1b of Section 13.2.2, AP-42

P = number of days in a hear with at least 0.01 inch of precipitation

Comments/Questions:

- The precipitation correction term used in the equation for Eext in this section of the application is [(365 – P)/365] which is for unpaved roads. But in this section of the application, emissions are calculated for paved road use by haul trucks. Therefore, the precipitation correction term for paved roads should be used here instead. The precipitation correction term for paved roads is incorporated in Equation 2, Section 13.2.1 of AP-42.

The equation for Eext used in section 4.2.10 of this application should be replaced with the correct equation from Section 13.2.1 of AP-42 and the emissions should be recalculated.

- It is written in line 8, page 22 that “E = emission factors from Equation 1a or 1b of Section 13.2.2, AP-42”. Section 13.2.2, AP-42 is for unpaved road conditions. Since this section in the application is calculating emissions for paved road conditions, E should be emission factor from Equation 1 of Section 13.2.1, AP-42. This statement should be revised.

Comment #15: Section 4.2.11

This section calculates emissions from paved road use by light trucks. It does not mention which precipitation correction factor are used here, if any. If the precipitation correction term used here is the same as Section 4.2.10, this section will also need to be revised as per comment no. 10.

Comments/Questions: If the precipitation correction term used here is the same as Section 4.2.10, this section will also need to be revised as per comment no. 14.

Comment #16: Section 4.3

Comments/Questions: This section overall uses generic data, not specific to the site, to establish H2S formation factors and calculate H2S emission. C&D materials consist of biodegradable materials/compounds. DTG LPL receives a significant amount of C&D waste. As documented in prior comments, landfill gas is a concern at this site. It is unknown why the NSR application does not take into consideration:

- Wastes types that are landfilled at present and model gas generation potential for that waste.
- Since some toxics may be of concern (as landfill gas is a concern), this application will benefit from site specific toxics analysis through EPA method TO-15. It is typical of C&D landfills to have some TO-15 compound detections, and those are necessary to evaluate this NSR application. The scope of emissions evaluation and associated BACT analysis may change after TO-15 analysis.
- It is prudent that landfill gas samples should be collected and analyzed for total sulfur compounds due to known quantities of gypsum board and other sulfur containing wastes. Emission calculations should be revised accordingly. The scope of emissions evaluation and associated BACT analysis may change after total sulfurs analysis.

Comment #17: Land Use

Yakima County's failure to enforce existing required land use conditions for privately operated limited purpose landfills is a growing community concern, and raises important questions about future government approvals for these facilities, given the unwillingness of the County to regulate and enforce land use conditions, statutes and policies.

At this location, the County failed to enforce numerous conditions of Ron Anderson's gravel mining Conditional Use Permit (see CUP 03-112 Final MDNS), including mitigation for air quality and environmental health by these three conditions:

- Restriction on hours of operation (limit 6am to 6pm)
- Installation and maintenance of Vegetative Screening north of current mining area (see attached letter to Tommy Carroll, July 2023)
- Limitations on vehicle traffic on DTG's three permitted operations:

    1. Gravel mining limit 0-20 round trips/day on average. Assumes 30 trips/day during 7-8 months year; and less 4-5 months to average 20 per day limit
    2. Inert waste fill limit 0-25 round trips/day
    3. PCS remediation site limit 0-20 round trips/day

After years of neighbors reporting after hours operations to all facility regulators, finally Yakima County sent a letter to DTG requesting them to respect the operating hour limits (see Carroll letter, November 1, 2022) and address the required vegetative screening. While the company finally stopped after-hours operations in 2023, it has not addressed the required vegetative screening, prompting a follow-up letter from neighbors to Yakima County (see Cave letter to Carroll, July 2023).

When the County permitted this facility, SEPA considered and identified the acceptable vehicle traffic in the MDNS. As noted above, waste flow and disposal has increased annually under DTG, and in 2022

was over 700,000 cy. When the LPL was permitted and scoped, its 2008 annual waste disposal was just over 115,000 cy with these vehicle limits. H

Comment/Question: How can DTG increase annual disposal and not violate the county vehicle limits for the LPL? According to DTG, the average volume of waste per load is 32.48 cy. At this rate, 20 loads generates 649.6 cy per day. Assuming 310 working days, that would generate 201,376 cy, less than a third of the total accepted and disposed here in 2022.

The lack of any enforcement of the condition for installation of vegetative screening and vehicle limitations are more than just negligent; they are essentially compromising local neighbors to endure the nearby mining, landfilling and PCS operations sans County enforcement.

Comment #18: Gypsum

Drywall installation across the nation has steadily increased due to population growth, which in turn has increased the volume of drywall waste generated at construction sites, and resulted in millions of tons disposed in landfills. However, when drywall (gypsum) is mixed with organic materials in an air free environment it creates highly toxic hydrogen sulfide gas. As a result, England, Wales, Canada, King County and other state and local municipalities across the country have placed bans on drywall disposal at landfills to prevent the build-up of hydrogen sulfide gas which is both toxic and odorous.

Shortly after acquiring the Anderson operations, DTG began importing significant volumes of "drywall backing paper" from Canada, reporting 19,394 cy in 2020, and 164,400 cy in 2021 not for recovery but disposal. Neighbors provided regulators with photos of this material spread like a blanket across the LPL in 2021. As DTG acknowledges, in 2021, YHD received odor complaints and observed visual vapor plumes emanating from fissures within the landfill. DTG neighbors submitted photos of Canadian vehicles bringing in the waste, the huge gypsum mound onsite, and the material layered over most of the landfill, including the current MTCA site.

Hydrogen Sulfide smells like rotten eggs, and is heavy, so it flows near the ground and can settle in low areas. DTG landfill neighbors and recreationalists complained of this odor on adjacent lands in 2021 & 2022 prompting ambient air and soil gas sampling of the LPL in December 2021 and July 2022 that confirmed the toxic gasses, which triggered the state's MTCA determination. Further investigation found and confirmed a landfill fire, which is under remediation. The MTCA investigation will restart once the fire is contained, with the drilling of wells and sampling of groundwater, the key concern of neighbors given their close proximity to multiple known and unknown suspected contamination sources.

The amount of gypsum disposed at this facility is more than the Canada waste stream, as more regulatory scrutiny of DTG's MRF operations, material transport, potential violations of flow control ordinances and related assessment of DTG's claims reveal evidence of disposal, not recovery or recycling. The good news is gypsum is recyclable, and there is demand and a ready market for this material from wallboard manufacturers to reconstitute it into drywall, and from agriculture (hops, apples) as a soil amendment. The gypsum industry is growing the necessary infrastructure in our state to recover nearly 100% of this material.

Comment/Question: As long as Yakima County continues to allow the transport, acceptance, and low cost disposal of uninspected and unlimited amounts of organic material and drywall waste to flow into Yakima for disposal, hydrogen sulfide emissions will be common. How can the YRCAA reliably protect neighbors from exposure to hydrogen sulfide gas that will drift downwind, downhill onto their properties, as has been reported to the YRCAA and facility regulators hundreds of times over the last 2 - 3 years by neighbors and recreationalists, including Carole DeGrave, Cindy Reed, Randy Abhold, Stan Askew, Brenda Yost, Nancy Lust, Paul Herke, Mark Koday and others?

YRCAA should evaluate the beneficial use of gypsum, the harmful health impacts of hydrogen sulfide gas emissions reported by landfill neighbors, and why DTG should be permitted to continue to dispose of gypsum material and generate toxic harmful gasses instead of recovering this marketable valuable commodity for beneficial reuse.

Comment #19: Organics Management Bill

Comment/Question: Since DTG ownership, green waste and organic material generally reserved for composting operations has been accepted, largely for disposal here, according to DTG Annual Reports (ECY 040-176). The regulatory agencies have broadly interpreted the term 'land-clearing debis' to allow acceptance of literally all organic material.

However, the application and permit's broad interpretation and allowance of organic flow to this facility is contrary to the recently passed state Organics Management Bill which requires Yakima County to adopt a compost procurement ordinance (CPO) to flow organic material from disposal facilities to designated compost operations. DTG is not a permitted compost facility. Municipalities are required to start reporting to Ecology total tons of organic material collected at public or private (3rd party) drop sites, and volumes collected from curbside programs.

The bill's intent is to provide policy and infrastructure for communities to divert organic material from disposal to local compost facilities for processing into a useable soil product/amendment. The DTG YRCAA application should address how continued acceptance of organic material, an important known ingredient for production of hydrogen sulfide gas, for disposal is compliant with local implementation of this law.