

Permits

From: Ian Sutton <isutton@dtgrecycle.com>
Sent: Thursday, September 14, 2023 1:19 PM
To: Hasan Tahat
Cc: Permits; Dan Guimont; Steven Newchurch; Shawn Magee; llem461@ecy.wa.gov; Alan Butler; Mike Brady
Subject: Order of Approval Permit Number NSRP-03-DTGEI-22
Attachments: 2023.09.14 Draft Permit_NSRP-03-DTGEI - Comments.pdf

Hello, Hasan.

Attached are DTG's comments on the draft Order of Approval Permit Number NSRP-03-DTGEI-22. These comments pertain more to applicant review rather than public comment. Can we have a call with YRCAA to discuss these next week? If so, please let me know some schedule options based on your availability.

Have there been any other comments received?

Thanks,
Ian



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Ian Sutton
Director of Engineering

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Bremerton * Kingston * Kennewick * Maltby * Tacoma * Redmond * Renton
Richland * Seattle * Snohomish * Tacoma * Whidbey Island * Yakima * Salem



Contractor ID: DTGENTRI853RT



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September 14, 2023

Yakima Regional Clean Air Agency
186 Iron Horse Court, Suite 101
Yakima, WA 98901
Attn: Hasan Tahat

Dear Mr. Tahat:

Thank you for the opportunity to review and comment on the draft Order of Approval Permit Number NSRP-03-DTGEI-22. The following are comments from DTG Recycle (DTG) and our consultant Parametrix.

General:

1. There are a number of locations where “DTG” has been spelled “DGT”. Please change the spelling to “DTG”.
2. Please change the Applicant/Permittee on the cover page to the “Existing Limited Purpose Landfill with Materials Recovery Facility”.
3. Please change the Contact on the cover page from “Mike Sheldon” to “Ian Sutton”. It was also discovered that the application forms included in the application were from a previous version. Correct applications forms are attached to this letter, which include updated contact information and the final iteration of emission quantities.

Description of the Source:

Item 1.16 Based on Civil 3D estimates, Phase 1 is estimated at approximately 2,500,000 cubic yards and Phase 2 is estimated at approximately 2,200,000 cubic yards. Estimates assume haul density of 0.24 tons per cubic yard and an in-place density of 0.5 tons per cubic yard. In-place tonnage for Phase 1 and Phase 2 is estimated at 1,250,000 tons and 1,100,000 tons, respectively.

Determination:

Please revise wording in **Section 2.0 Determinations** so content is not expressed as conditions.

Item 2.3 Please change this item to read: “Construction/modification at this facility is subject to new source review requirements in WAC 173-400-110 and WAC 173-460-040;”

Item 2.4 Please change this item to read: “The facility is subject to WAC 173-400-099 – Registration Program and YRCAA 1, 4.01 – Registration Program.”



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Item 2.7 This determination is expressed as a condition. Please move it to Section 3.0 Conditions.

Operating Approval Conditions:

Condition 3.2.1 This condition appears to be a Determination. DTG has demonstrated compliance with Chapter 173-460 WAC in the NOC application. DTG requests that Condition 3.2.1 be deleted.

Condition 3.2.2 There is no WAC 173-400-110(1)(c)(ii)(e). WAC 173-400-110(e) states that "The procedural requirements pertaining to NOC applications and orders of approval for new sources that are not major stationary sources, as defined in WAC 173-400-710 and 173-400-810, shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, Model Toxics Control Act, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW using the procedures outlined in WAC 173-340-710(9) or during a department-conducted remedial action, through the procedures outlined in WAC 173-340-710(9)." The statement in the second sentence, "The Department of Ecology shall ensure compliance with substantive requirements of this chapter..." appears to apply this requirement to Ecology rather than DTG. DTG requests that conditions in this approval that restate federal, state, and local regulations be deleted, as Condition 4.1 requires that DTG comply with all applicable federal, state and local laws and regulations.

Condition 3.2.3 The first sentence in Condition 3.2.3 appears to be a Description of the Source. DTG requests that it be moved to Section 1.0. DTG requests that the second sentence in this condition be changed to read: "The facility shall not accept any petroleum contaminated soil (PCS) at the site without obtaining necessary approval from YRCAA."

Condition 3.2.5 Section 13.2.2 of AP-42 published by the EPA, provides emission factors and equations for estimated emissions due to vehicle use on unpaved roads. EPA recommends that equation 1a be used to estimate emissions from vehicles traveling on unpaved roads at industrial sites. Equation 1a calculation does not include a vehicle speed factor. Equation 1b, which the EPA recommends be used to estimate emissions from vehicles traveling on publicly accessible roads, does contain a speed factor, which uses 30 mph as the base speed, that speed at which the speed factor in the Equation 1b is 1.0. DTG is required in Condition 3.2.4 to apply dust palliative material or water on unpaved roads and unpaved areas as needed to minimize airborne dust. DTG believes that Condition 3.2.4 precludes the need for a speed limit, but if a speed limit is deemed necessary by YRCAA, DTG requests that it be no less than the 30 mph base speed used in Equation 1b.



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- Condition 3.2.8 The facility has a Plan of Operation as approved by YHD and Ecology for the solid waste permit. The Plan of Operations will be revised to include the requirements of the final Order of Approval.
- Condition 3.3.6 The LPL is required through the solid waste permit to perform quarterly methane monitoring of the ambient air at the property line. No actionable measurements of methane have been encountered. Based on the ongoing monitoring, historic results, and the location and nature of the landfilled material, increasing monitoring frequency to weekly is not warranted. Ambient methane readings should continue on a quarterly frequency. If methane monitoring is needed in response to a landfill gas response, DTG requests that methane be added to Conditions 3.3.4 and 3.3.5.
- Condition 3.6 In accordance with the NSR application, PTE was based on a 1,000,000 cubic yard annual haul volume received. The maximum allowable volume should be set at 1,000,000 cubic yards.
- Condition 3.9 Material limitations for the MRF are based on the solid waste permit which is limited to material able to be disposed in the landfill. Condition 3.9 should be changed to state that material accepted at the MRF shall be in compliance with solid waste permitting.
- Condition 3.10 Material limitations for the MRF are based on the solid waste permit which is limited to material able to be disposed in the landfill. DTG requests that Condition 3.10 be deleted.
- Condition 3.18 Please add crushed rock export as an authorized operation.
- Condition 3.18 Table 1 dimensions for Phases 1 and 2 are the modeled values for AERSCREEN with approximate average heights indicated. Phase 1 was modeled as a circular area with height set to average height because it is full. Phase 2 was modeled as a rectangular area, with height set at an average value for the projected fill. DTG requests that actual configurations, sizes and heights of Phases 1 and 2, as shown in Section 4.3.4.1 of the NSR application, be used in Table 1 of Condition 3.18.
- Condition 3.19 Table 2 is a list of site equipment at the time of the NSR application. Equipment may change over time. DTG requests that Condition 3.19 stipulate that permit modifications are not required for like-kind vehicle replacement.

General Approval Conditions:

- Condition 4.3 This condition appears to restate permitting requirements in WAC 173-400-110 and WAC 173-460-040. DTG requests that conditions in this approval that restate federal, state, and local regulations be deleted, as Condition 4.1 requires that DTG comply with all applicable federal, state and local laws and regulations.



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Emission Limits:

Condition 5.3 This condition appears to restate permitting requirements in WAC 173-460-040, Chapter 173-460 WAC and WAC 173-400-075. DTG requests that conditions in this approval that restate federal, state, and local regulations be deleted, as Condition 4.1 requires that DTG comply with all applicable federal, state and local laws and regulations.

Condition 5.4 In accordance with WC 173-350-400, limited purpose landfills must be designed to control methane and other explosive gases to ensure they do not exceed:

(i) Twenty-five percent of the lower explosive limit (1.25% by volume) for the gases in facility structures;

(ii) The lower explosive limit (5% by volume) for gases in soil or in ambient air at the property boundary or beyond; and

(iii) One hundred parts per million by volume of hydrocarbons (expressed as methane) in off-site structures.

DTG requests that conditions in this approval that restate federal, state, and local regulations be deleted, as Condition 4.1 requires that DTG comply with all applicable federal, state and local laws and regulations.

Condition 5.6 In accordance with the NSR application, PTE was based on a 1,000,000 cubic yard annual haul volume received. The maximum allowable volume should be set at 1,000,000 cubic yards.

Monitoring, Recordkeeping, and Reporting Requirements:

Condition 6.4 Daily ambient air monitoring has been performed at the site for H₂S beginning in March 2023 with no detections. The LPL is not a significant source of H₂S as demonstrated through modeling and field assessments. Based on this information, DTG contends that high-frequency monitoring is not warranted. DTG requests that Condition 6.4 be changed to require periodic H₂S inspection at the facility during routine CH₄ inspections. If H₂S odor is detected during routine inspection or at any other time, DTG will respond in accordance with Condition 3.3.

Appendix A – Calculations

Fugitive Particulate Matter Emissions Calculations

Several Notice of Construction applications have been submitted to YRCAA, first by Anderson Rock, then by DTG, for the limited purpose landfill since 2016. Each of those submittals had calculations for



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anticipated actual emissions and for potential to emit (maximum emissions possible under worst-case conditions). YRCAA performed their own calculations as a way of cross-checking emission calculations submitted by the applicant. YRCAA's emission calculation methodologies varied from the applicant's methodologies in several ways.

One example is that YRCAA's calculation for fugitive particulate matter emissions from "Roll-off Haul Truck; Gravel Haul t(r)uck road on compacted soil and gravel" used a silt content of 6.8%, truck weight of 22.5 tons, round trip distance 2.5 miles, 11,556.4 trips/yr for vehicle miles traveled (VMT) of 28,891 mi/yr. YRCAA calculated fugitive particulate matter emissions for the following categories including:

- Roll-off Haul Truck; Gravel Haul t(r)uck road in LPL and wood waste area(s),
- Loader
- Dozer
- Light truck
- Woodwaste Tub Grinder
- Wood chip pile

DTG's calculation for fugitive particulate matter emissions "Haul trucks-Phase 2, graveled road use" used a silt content of 4.5%, truck weight of 17.8 tons, round trip distance of 1.5 miles, 16,964 trips/yr for VMT of 25,786 mi/yr. DTG calculated fugitive particulate matter emissions for the following categories including:

- Haul trucks-Phase 2, graveled road use
- Haul trucks-quarry, graveled road use
- Haul trucks-Phase 2, work area use
- Haul trucks-quarry, work area use
- Loaders, work area use
- Bulldozers, work area use
- Bulldozers, compacting construction and demolition debris compaction
- Light trucks, gravel road use
- Light trucks, work area use
- Haul trucks-Phase 2, paved road use
- Haul trucks-quarry, paved road use
- Light trucks, paved road use
- Woodwaste Tub Grinder
- Wood chip pile

Needless to say, these calculations are difficult to compare. Also, the calculations in Appendix A of the draft approval do not take into account the potential to emit values provided by DTG for the proposed maximum allowable annual operating rate of 1,000,000 cubic yards of materials received. DTG requests



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that the following summary table be used in place of the fugitive particulate matter calculations in Appendix A:

Particulate Matter PTE by Category, based on 1,000,000 yd³/yr Materials Received

	PM _{2.5}	PM ₁₀	PM
Haul trucks – Phase 2, gravel road use	0.58	5.55	22.07
Haul trucks – Quarry, gravel road use	0.32	3.07	12.20
Haul trucks – Phase 2, work area use	0.06	0.53	1.94
Haul trucks – Quarry, work area use	0.03	0.29	1.07
Haul trucks – Phase 2, paved road use	0.27	1.10	5.52
Haul trucks – Quarry, paved road use	0.16	0.66	3.31
Loaders, work area use	0.08	0.80	3.33
Bulldozers, work area use	0.03	0.34	1.39
Bulldozers, compacting C&D debris compaction	0.03	0.34	1.39
Light trucks, gravel road use	0.00	0.03	0.12
Light trucks, work area use	0.00	0.01	0.02
Light trucks, paved road use	0.00	0.04	0.20
Woodwaste Tub Grinder	0.20	0.33	0.55
Wood chip pile	0.00	0.00	0.00
Total	1.78	13.10	53.13

Hydrogen Sulfide Emissions and Ambient Impact

Hydrogen sulfide (H₂S) gas can be emitted from both LPLs and municipal solid waste (MSW) landfills. H₂S emissions may be problematic at a landfill as they can cause odor, impact surrounding communities, or contribute to the formation of explosive conditions. H₂S emissions at LPLs have often been attributed to the disposal of gypsum drywall. H₂S emissions and resulting impacts to ambient air are regulated by Chapter 173-460 WAC. “Ambient air” is the air outside the boundaries of the facility undergoing new source review.

In accordance with Chapter 173-460 WAC, DTG calculated potential to emit H₂S, and modeled impacts to ambient air using the model AERSCREEN, which indicated that the maximum H₂S impact would be 1.06 microgram per cubic meter (µg/m³) on a 24-hr average, which is 53% of the 2.0 µg/m³ acceptable source impact level (ASIL) for H₂S listed in WAC 173-460-150.

YRCAA performed their own calculation, using the same areas and potential emission rates for Phases 1 and 2 of the LPL and arrived at 0.834 µg/m³ ambient impact for H₂S, which is 41.68% of the ASIL.

DTG requests that calculations performed by YRCAA be identified as such.



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Respectfully,

A handwritten signature in black ink, appearing to read "Ian Sutton".

Ian Sutton
Director of Engineering
DTG Recycle
isutton@dtgrecycle.com

Enclosures

cc: dguimont@dtgrecycle.com
hasan@yrcaa.org
steven.newchurch@co.yakima.wa.us
shawn.magee@co.yakima.wa.us
llem461@ECY.WA.GOV
abutler@parametrix.com
mbrady@parametrix.com



Yakima Regional Clean Air Agency

INSTRUCTIONS FOR PERMIT APPLICATION

Use this sheet as a checklist to determine when your application is substantially complete.

Each PERMIT APPLICATION for the construction, installation or establishment of a new air contaminant source, or modification of existing air pollution source or control equipment or permit, needs to be accompanied by the following information to be considered complete:

Included N/A

- Process flow sheets and equipment layout diagrams.
- Control equipment manufacturer, model number, size, serial numbers (for each piece of control equipment).
- Quantify average and maximum hourly throughput values, average yearly totals, and maximum concentrations for each pollutant.
- Applicant's calculation of the kinds and amounts of emissions for each emission point, materials handling operation or fugitive category (both controlled and uncontrolled).
- Plot plan including identification of proposed emission points to the atmosphere, distance to property boundaries, height of buildings and stack height above ground level.
- Identification of raw materials and/or product specifications (physical and chemical properties) and typical ranges of operating conditions as related to each emission point (toxic air contaminants require a separate summary); Material Safety Data Sheets (MSDS) should be included in the PERMIT APPLICATION for all compounds used.
- Identification of the methods/equipment proposed for prevention/control of emissions to the atmosphere.
- Information sufficient to demonstrate the ability of the emission controls proposed as being consistent with those provided in the applicable regulations (BACT/NSPS/RACT/NESHAPS/LAER analysis). See attached worksheet for typical layout of BACT analysis information.
- The kinds and amounts of emission offset credits proposed for assignment when operations are within a non-attainment boundary (see WAC 173-400-120 and 131).
- Estimates of the proposed project ambient impact under average and least favorable conditions where pertinent to PSD (WAC 173-400-720) or Toxic Air Pollutants (WAC 173-460) requirements.
- Additional information, evidence, or documentation as required by the Board of Directors, or the Control Officer, to show that the proposed project will meet federal, state and local air pollution control regulations.
- For applications that include equipment that has previously been approved, authorized or registered, a lapse is considered to have occurred if the registration fees are delinquent for more than one calendar year or the source has not operated within five years prior to the receipt of any required PERMIT APPLICATION (WAC 173-400-110).
- Applications that include previously approved or authorized equipment require that additional information regarding previous owners or approvals be provided so that YRCAA records can be updated. Equipment registered and/or approved for a given company cannot be authorized without a legal name change, purchase of company or equipment, or a legal contract or subcontract to do business with or for the approved source. Responsibility for operation of authorized equipment rests with the registered source.
- All applications need to be accompanied with a completed SEPA checklist or SEPA determination. YRCAA may process the SEPA determination, if no other agency has done it. In this case a SEPA checklist with the proper fees must be submitted with the NSR application.

The application transmittal shall conform to YRCAA review requirements wherever possible as detailed in the General Regulations for Air Pollution Sources (WAC 173-400).

Each drawing, document, or other form of transmittal considered by the applicant to be proprietary and confidential must be suitably identified as confidential in red ink, and signed and dated by the applicant or its agent. Be aware that YRCAA follows the requirements in 40 CFR 2 for determination of confidentiality. YRCAA may not process company sensitive information as confidential.

Orders of Approval (to construct, modify, or install) are issued for specific equipment or processes described in the application. Changes to the processes or control equipment are not allowed without new source review (Permit Application and Permit) if these changes result in an emission of a different type or an increase in emissions (WAC 173-400-110). Process equipment changes that result in decreased emissions require notification to YRCAA.

The SIC code is identified as the four digit major group classification in the 1987 Standard Industrial Code Classification Manual listing of SIC codes can be obtained for free from the internet.

Mail or deliver in person the completed application package to:

Yakima Regional Clean Air Agency
186 Iron Horse Court, Suite 101
Yakima, WA 98901-2303

Application fees must accompany application for the application to be considered complete. An invoice will be sent out for the Engineering review after final decision on the application. Make checks payable to "Yakima Regional Clean Air Agency" or "YRCAA".

The PERMIT APPLICATION package submitted must be complete. All applications are screened for completeness before processing. Applicants submitting incomplete application packages will be notified of their incomplete status and may result in a delay in processing the application.

Yakima Regional Clean Air Agency

PERMIT APPLICATION / NEW SOURCE REVIEW

BACT ANALYSIS WORKSHEET

Facility Name: DTG Recycle - Limited Purpose Landfill

Date: _____

CONTROL ALTERNATIVE	EMISSIONS	EMISSIONS REDUCTION (a)	INSTALLED CAPITAL COST (b)	TOTAL ANNUALIZED COST (c,g)	AVERAGE COST EFFECTIVENESS OVER BASELINE (d)	INCREMENTAL COST EFFECTIVENESS (e)	ENERGY INCREASE OVER BASELINE (f)	TOXICS IMPACT	ADVERSE ENVIRONMENTAL IMPACT
	[lb/hr] & [tons/yr]	[tons/yr]	[\$]	[\$]	[\$/ton]	[\$/ton]	[mmBtu/yr]	[Yes/No]	[Yes/No]
1) Fugitive dust controls described in NSR application	PM 53.13 ton/yr PM10 13.10 ton/yr PM2.5 1.78 ton/yr	PM 210.85 ton/yr PM10 51.38 ton/yr PM2.5 6.50 ton/yr							
2)									
3)									
4)									
5) Uncontrolled Baseline (worst case - no controls)	PM 263.98 ton/yr PM10 64.48 ton/yr PM2.5 8.28 ton/yr								

- (a) Emissions reduction over baseline control level.
- (b) Installed capital cost relative to baseline.
- (c) Total annualized cost (capital, direct, and indirect) of purchasing, installing, and operating the proposed control alternative. A capital recovery factor approach using a real interest rate (i.e., absent inflation) is used to express capital costs in present-day annual costs.
- (d) Average cost effectiveness over baseline is equal to total annualized cost for the control option divided by the emissions reductions resulting from the uncontrolled baseline.
- (e) The optional incremental cost effectiveness criterion is the same as the average cost effectiveness criteria except that the control alternative is considered relative to the next most stringent alternative rather than the baseline control alternative.
- (f) Energy impacts are the difference in total project energy requirements with the control alternative uncontrolled baseline expressed in equivalent millions of Btus per year.
- (g) Assumptions made on catalyst life may have a substantial affect upon cost effectiveness.

Notes:

The number of alternatives to be evaluated will vary depending on application.
 Values for each variable should be provided as they are applicable. Use N/A if not applicable.
 Emission rates are the expected or predicted emission rates.
 Calculations should provide for a range of alternatives.
 Emissions reduction should use estimated efficiency if actual efficiency is unknown - should so state.
 Attach worksheets as necessary to substantiate above values.



186 Iron Horse Court, Suite 101. Yakima, WA. 98901
Phone: (509) 834-2050 Fax: (509) 834-2060
Website: http://www.yakimacleanair.org

Filing Fee: \$400.00*

*Pursuant to WAC 173-400-111(1) (e)-an application is not complete until the permit application filing fee required by YRCAA has been paid.

OFFICIAL USE ONLY

YRCAA NSR No: _____ Date Fee Paid: _____

Received by: _____ Filing Fee: \$400.00

[] YRCAA is the lead agency for the SEPA process. Processing Fee \$400.00

Review of the application will not begin, until the application filing fee is paid. A surcharge fee for the time required for preparing and processing the application for approval will be invoiced after the permit to operate is issued.

New Source Review (NSR) Application General

Stationary/Permanent Source

INSTALLATION OR ESTABLISHMENT OF NEW AIR CONTAMINANT SOURCES

NSR Application is Required for Construction, Installation or Establishment of an Air Pollution Source Or

Replacement or Substantial Alteration of Emission Control Technology on an Air Pollution Source or Equipment

I. General Information:

BUSINESS NAME DTG Recycle

NATURE OF BUSINESS Limited purpose landfill, material recovery facility, waste wood chipping

MAILING ADDRESS 41 Rocky Top Road, Yakima, WA 98908

FACILITY ADDRESS (if different):

PHONE and FAX NUMBERS (425) 529-0854 office, (509) 421-4807 cell Email: isutton@dtgrecycle.com

TYPE OF PROCESS, EQUIPMENT, OR APPARATUS Several mobile and nonroad engine powered vehicles.

Tub grinder and diesel generator on MRF conveyor powered by nonroad engines.

LIST OF AIR CONTAMINANT(S) WHICH WILL BE PRODUCED AND/OR CONTROLLED Particulate matter fugitive dust will be controlled at the site by watering the tub grinder, MRF material piles, wood chip piles, and roadways, and application of cover soil. Watering will be limited to surface material only

ESTIMATED STARTING DATE: Accepting C&D waste since 1997; LPL start year 2007; LPL expansion year 2015

ESTIMATED COMPLETION DATE:

LPL is "limited purpose landfill," with no biodegradable or hazardous materials placed in the LPL.

Compliance with SEPA (State Environmental Policy Act) - Check One of the Options Below:

- A DNS or EIS has been Issued by Another Agency for this Project and a Copy is Attached.
- If no DNS or EIS Exists for this Project, a Completed Checklist for this Project and the SEPA Processing Fee are Attached. *YRCAA SEPA checklist is available by phone, or by our website.*
- The city/county has established an exemption for this project.
- I certify that the SEPA has been satisfied or this project is exempt:

April 29, 2009 by Gary M. Cuillier, Hearing Examiner, Yakima County (File No. CUP 08-074)
Date Government Agency

Previous NSR/Air Permits Number issued by YRCAA for the Facility, if any _____

Describe Input to Output Process (Attach drawings, schematics, prints, or block diagrams) DTG currently operates a surface mine, PCS treatment facility, and a 125-acre LPL site licensed under Yakima Health District and Department of Ecology.

ESTIMATED COSTS: OF BASIC SOURCE EQUIPMENT \$ _____
 OF CONTAMINANT CONTROL APPARATUS \$ _____

Process: Production Output per Year (tons, pounds, etc) 512,794 cuyd (approx. 123,071 ton) demo waste in 2021
29,231 cuyd (approx. 4,385 ton) wood waste in 2021

Percentage of Production (%)

Dec - Feb 25% Mar - May 25%
 Jun - Aug 25% Sep - Nov 25%

Operating Schedule: Hrs/Day 10 / 12 Days/Wk _____ Wks/Yr 52 / 52
 Actual / Allowed in DOH permit

II. Emissions Estimations and Calculations:

1. Criteria Pollutants (gr/dscf, tons/yr, lbs/hr., ppm, etc.)

Particulate (PM₁₀, PM_{2.5}) PM: 53.13 tpy; PM10: 13.10 tpy; PM2.5: 1.78 tpy
 Volatile Organic Compounds _____
 Nitrogen Oxides _____
 Sulfur Oxides _____
 Carbon Monoxide _____
 Lead _____

2. Toxic Air Pollutants (Name) Quantity (in gr/dscf, tons/yr, lbs/hr. ppm, etc.)

3. Fugitive Pollutants (Source) _____ Quantity (in gr/dscf, tons/yr, lbs/hr, ppm, etc.)
LPL facility (includes MRF) PM: 53.13 tpy; PM10: 13.10 tpy; PM2.5: 1.78 tpy

4. Air Pollution Modeling
 Results _____
 Computer Printout Attached? Yes No

III. Emission Data:

1. Stack Height (Feet) _____ Inside Diameter (feet) _____
 Gas Exit Temp (degrees F) _____ Gas Exit Velocity (ft/min) _____
 Flow Rate (cfm) _____
 Shared Stack? If a shared stack, identify process (es) or point(s) which share the stack.
 Distance from Stack to Property Line _____
2. Discharge Point or points (if no stack or other than stack)
 Height (feet) _____ Inside Diameter (feet) _____
 Gas Exit Temp (degrees F) _____ Gas Exit Velocity (ft/min) _____
 Flow Rate (cfm) _____
 Shared discharge point? If a shared discharge point, identify process (es) or point(s) which share
 the discharge point. _____

- Distance from discharge point to Property Line _____
3. Fuel Type _____ % Sulfur _____
 % Ash _____ Unit of Measure (gal./cu.ft./etc.) _____
 BTU per Unit of Measure _____ Consumption Units per Year _____
 Maximum Consumption Units per Hour _____
4. Building Dimensions
 Height (feet) _____ Length (feet) _____ Width (feet) _____

IV. Air Pollution Control Equipment:

Baghouse Type _____ Model #, Serial # _____
 Efficiency _____ PM_{2.5}: _____ and PM₁₀: _____
 Bag Height (feet) _____ Bag Diameter (feet) _____
 Filter Area (feet squared) _____ Blower Flow Rate (cfm) _____
 Filter Media _____ Dimensions (feet) _____
 Discharge Area Dimensions (feet) _____
 Cleaning Mechanism (shake) (air psi) _____
 Other Data _____

Scrubber Type _____ Model #, Serial # _____
 Efficiency _____
 Gas Differential Pressure (psi) _____ Liquor Differential Pressure (psi) _____
 Liquor Flow (gpm) _____ Discharge Area Dimensions (feet²) _____
 Gas Flow (cfm) _____ Other Data _____

Cyclone Type _____ Model #, Serial # _____
 Efficiency _____ PM_{2.5}: _____ and PM₁₀: _____
 Gas Flow (cfm) _____ Discharge Area Dimensions (feet²) _____
 Other Data _____

Precipitator Type _____ Model #, Serial # _____
 Efficiency _____
 Gas Flow (cfm) _____ Gas Velocity (ft/sec) _____
 Residence Time _____ Gas Differential Pressure (psi) _____
 Precipitation Rate (ft/sec) _____ Discharge Area Dimensions (feet²) _____
 Other Data _____

Ad/Absorp Type _____ Model #, Serial # _____
 Efficiency _____
 Gas Flow _____ Gas Velocity (ft/sec) _____
 Gas Temp (degree F) _____ Bed Volume (ft³) _____
 Bed Dimensions (feet) _____ Capacity (hours) _____
 Contaminant (lb/day) _____ Regeneration time (hours) _____

Other Type _____ Model #, Serial # _____
 Efficiency _____
 Gas Flow (cfm) _____ Discharge Area Dimensions (feet) _____
 Other Data _____

V. Additional Information:

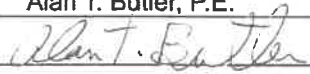
1. Attach Related Information on Chemicals or Materials that will be emitted. (MSDS Sheets, Company Information, etc.)
 Note: Indicate how much quantity are used per MSDSs
 Yes No, if not why? _____

2. Fugitive Dust Control Plan (Attach if Necessary)
3. Attach Operation and Maintenance Manual of Pollution Control Equipment.
 Yes No, if not, why? _____
4. Attach Vendor Information or Manufacturer's Instructions on Pollution Control Equipment.
 Yes No, if not, why? _____

APPLICANT: I hereby certify that the information contained in this application, including supplemental forms and data, when required, is, to the best of my knowledge, complete and correct. I also agree to all fees for processing this permit and grant permission for YRCAA staff to enter the premises for inspection.

Signature  Ian Sutton (425) 539-0584, isutton@dtgreycle.com Date August 9, 2023
 Title DTG Director of Engineering Date _____

Name and Title of Individual Filling out Form:

Name (print) Alan T. Butler, P.E.
 Signature 

Name and Title of Contact Person, if Different than Above:

Name _____
 Title _____

Name and Title of the Responsible Official for the permit, if Different than Above:

Name _____
 Title _____

Permits

From: Laurie Herman <lauriejoherman@yahoo.com>
Sent: Saturday, September 16, 2023 1:34 PM
To: Permits
Subject: DTG Permit

I write to you today with a deep concern with DTG's application to obtain an Air Operating Permit for its landfill and Material Recovery Facility. Your consideration of their application has been without sufficient public notification to review the permit and make thoughtful, evidence-based comments.

I join other concerned Yakima Valley residents in asking for an extension of the public comment period.

Very sincerely,

Laurie Heman and Joe Maurice

Permits

From: Sage Rat <kwsagerat@gmail.com>
Sent: Sunday, September 17, 2023 2:22 PM
To: Permits
Subject: DTG concerns

I live very close to DTG operations. I am alarmed at the sloppy and dangerous practices DTG has followed in the past, and with their dishonesty and lack of concern for public safety that continues to this day. I am further disappointed that YRCAA is considering renewing DTG permit requests. The environmental damage and health risks already caused by DTG will last for decades, perhaps centuries. Allowing them to continue operations is foolhardy at best. I strongly urge you to deny their permit request. This is not the kind of business we need in our community. They are not good neighbors and have a blatant disregard for public health and the environment.

John Kent Wilkinson
1030 Wekel Rd
Yakima, WA

Permits

From: kodaydqcw <kodaydqcw@gmail.com>
Sent: Wednesday, September 20, 2023 6:30 AM
To: Permits
Subject: Opposed to the DTG temporary Air Operating Permit

I am a resident of the Coyote Canyon subdivision which lies right below the DTG land fill. I recently found out that the YRCAA has granted temporary approval for an Air Operating Permit. I am absolutely opposed to this Permit and am asking for an extension to give the public time to comment. In all honesty, I can not believe after reviewing the history of DTG that the Permit would even be considered at this time!

The public has not be given sufficient notification to review any of the documents they have submitted for the Permit since you have given no press release. I recently found out about it through word of mouth. From what I see much of the information DTG has provided is outdated to underestimate the potential impact of their odious expansion plans.

Those of us living by DTH has lost all trust in the company. They have flouted the regulations meant to protect the public, time after time, resulting in the underground fire and the environmental and health mess we currently have. Granting this permit with little to no public input just serves to undermine our trust in our county regulators. You are here to protect the public and not promote a business that profits from being the dumping ground for western WA and Canada!! I wonder if the YRCAA members would grant the Permit if they were neighbors of DTG!

Please listen to the concerns of the public and seek more input before going forward with this Permit!

Mark Koday
89 Westland Drive
Yakima WA 98908

Permits

From: Eric Anderson <mtnrun1@gmail.com>
Sent: Sunday, September 24, 2023 6:37 PM
To: Permits
Cc: Mark Edler
Subject: Comments to DTG's NSR Application

Dear Sir / Madam:

My comments to DTG's NSR Application & YRCAA pending approval process are as follows.

- 1) YRCAA did not issue a public press release via newspaper / news media or directly notify concerned citizen groups of DTG's very lengthy and technical application. This is inappropriate given the huge amount of concern the public has already expressed about DTG's activities and negative environmental impacts! For that reason, an extension of the public comment period to at least the end of the year would be appropriate!
- 2) It appears that DTG's NSR application is based on outdated data / information. This application should only be accepted if all data / info is up to date! Additionally, the site plan that reflects the landfill's footprint is from an earlier time (2015) and does not accurately reflect the current landfill footprint (2023) and the expanded neighborhood growth! Also, the aerial photos of the LPL and PCS are outdated and the application only considers landfill volume data up to 2021 and omits 2022 data, which contains the largest volume to date. This data has been readily available since April 2023 and needs to be included.
- 3) Regulators have required and DTG agreed to place a liner on all future landfill cells, yet there was no mention of this liner in the application. Additionally, the work plan DTG submitted was from 2020 before any discussion of a liner took place. A leachate collection system for the liner is also required, and needs to be included in an updated work plan!
- 4) Given the huge amount of public concern, outdated DTG work plans, and past problems with this landfill, a new SEPA determination should be completed! The old SEPA DNS (1992) and subsequent 2015 SEPA Review is definitely outdated.

DTG's operations should remain shut down until all of these requirements are satisfied. No permits of any sort should be issued without adequate up to date information and SEPA review! Thank you for considering these comments!

Sincerely,
Eric Anderson
WDFW District Fish Biologist, Retired
mtnrun1@gmail.com

Permits

From: Becky Lang-Boyd <blangboyd@gmail.com>
Sent: Monday, September 25, 2023 8:53 AM
To: Permits
Subject: DTGs request for NSR

To Whom It May Concern,

I just recently became aware that DTG hopes to obtain an Air Operating Permit as part of its efforts to reopen the landfill. I also see that you, the YRCAA, are inclined to approve that request. Having just read through many pages of their application I must question your initial decision as DTG excludes all data from 2022 when the volume of their operation skyrocketed to over 695,000 cubic yards of waste (compared to approximately 149K in 2019).

I understand this is a complex issue but citizens rely on you to make decisions based on current factual information. DTG's application features old maps and photos, and their "Anticipated Actual Emissions" [4.2.1] is based on the annual waste acceptance rate from 2015 to 2021.

I believe it would be poor policy to approve a new application based on old facts and figures. I am sorry to have missed your community forum on September 18th. Kindly extend the public comment period so more citizens can become educated and involved.

Thank you,
Becky Lang-Boyd

Permits

From: Tom Boyd <waterpowered@gmail.com>
Sent: Monday, September 25, 2023 9:52 AM
To: Mark Edler; Permits
Subject: DTG application

Members of YRCAA:

I am deeply concerned about the pending application by “DTG’s New Source Review application.” I learned of the application *after* the 9/18/23 public meeting, so could not comment in person. DTG and its actual owner (Macquarie Infrastructure Holdings, LLC (NYSE: MIC)) have a very troubled history with their landfill operation in Yakima County. There should be an extension for review and public comments regarding their new application. This application was pushed forward without adequate public notice to allow review the 288-page application. It appears that accurate information from 2022 and 2023 DTG operation in Yakima County were not included in the analysis by Parametrix.

I was very frustrated to learn of YRCAA’s tentative approval without allowing genuine public comment. My quick review of the application by Parametrix/DTG suggests that none of the recent information about violations (sited by department of Ecology in late 2022) were mentioned in the application. Ironically, the well documented release of hydrogen sulfide, benzene and naphthalene into the air (by DTG) were not addressed. The longstanding underground fire at the DTG site also suggests mismanagement & inadequate oversight by DTG.

I live on and run an orchard 2 miles southeast of the DTG site and am downwind of this facility. I am not confident that the concerns of local Yakima County residents have been taken into account.

Thanks you for your consideration,

Thomas E. Boyd, MD
Lang Boyd Orchard
54 N. Mize Road
Yakima, WA. 98908

Permits

From: Deborah Girard <Girard@mftlaw.com>
Sent: Monday, September 25, 2023 2:08 PM
To: Permits
Cc: James Carmody
Subject: DTG Enterprises, Inc. - Comment Letter
Attachments: DTG Comment Letter.pdf

Please see attached letter from James C. Carmody regarding the above-referenced subject matter.

*Debbie Girard
Paralegal to James C. Carmody
Meyer, Fluegge & Tenney, P.S.
230 S. 2nd Street
Yakima, WA 98901
Phone: 509/575-8500
Fax: 509/575-4676*

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MEYER, FLUEGGE & TENNEY, P.S.

ROBERT C. TENNEY
MARK D. WATSON*
JEROME R. AIKEN*
JOHN A. MAXWELL, JR.
PETER M. RITCHIE**

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230 SOUTH SECOND STREET, SUITE 101
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JAMES C. CARMODY
JACOB A. LARA
ROBERT S. URLOCKER
PARDIES ROOHANI
HARLEY MONTOYA

*Also admitted in Oregon

**Also admitted in Oregon & Virginia

September 25, 2022

Via Email

Yakima Regional Clean Air Agency
186 Iron Horse Court, Suite 101
Yakima, WA 98901-1468
permits@yrcaa.org

Re: Permit Applicant: DTG Enterprises, Inc. D/b/a DTG Recycle
41 Rocky Top Road
Yakima, WA 98908

Dear Sir/Madam:

We represent Carole DeGrave and Friends of Rocky Top (FORT) with respect to DTG Enterprises ("Applicant") application for New Source Review (NSR) permit related to operation of a Limited Purpose Landfill (LPL) and associated facilities at 41 Rocky Top Road, Yakima, WA 98908. The LPL facility includes a Material Recycle Facility (MRF), a wood chipper/grinder, Petroleum Contaminated Soil (PCS) facility, and mining and processing land uses. Despite several decades of operation, neither the Applicant nor its predecessors have applied for or received a NSR permit for the operations or facility. This comment will supplement other comments provided by our clients and impacted neighbors.

We will limit our comments to compliance with the State Environmental Policy Act (SEPA). The *NSR General Application* represents that the LPL operation underwent SEPA environmental review on two separate occasions: (1) review of a 15-acre expansion of PCS operations that included a Determination of Nonsignificance dated September 10, 1992; and (2) review of land fill expansion that resulted in issuance of Determination of Nonsignificance dated September 9, 2015. *NSR Application Sections 1.3 and 6*. The referenced threshold determinations were attached in *Appendix C* to the *NSR Application*. No other environmental information, documentation or certification is provided with the land use application.

The *NSR Application* requires certification from a governmental agency "...that the SEPA has been satisfied or this project is exempt:...." DTG did not include the required governmental certification. While DTG checked the box that "...I certify that the SEPA has been satisfied or this project is exempt...", the *NSR Application* does not include the required signature from the governmental agency. The application simply inserts the name of Gary M. Cuillier, Hearing Examiner, Yakima County (File No. CUP 08-074) with a date of April 29, 2009.¹ Neither of the submitted SEPA threshold determinations are related to File No. CUP 08-074.² The *NSR Application* was not certified by Yakima County's SEPA Responsible Official.

¹ The attached threshold determinations reference File Nos. ER-43-1992 and SEP 2015-00024.

² It should also be noted that the referenced certification was by Gary M. Cuillier, Yakima County, Hearing Examiner. The Yakima County Hearing Examiner is not the SEPA Responsible Official for Yakima County. The attached threshold determinations include the signature of the SEPA Responsible Official at the time of environmental determination – Steve Erickson (September 10, 1992) and Lynn Deitrick, AICP (September 9, 2015).

YRCAA neither adopts nor incorporates the environmental threshold determinations as a component its environmental and application review process. In order to comply with SEPA review requirements, the reviewing agency may utilize all or part of an existing environmental document through either "adoption" or "incorporation by reference". WAC 197-11-600(4). YRCAA has not followed required processes for either process. See e.g. WAC 197-11-630 and -635.

WAC 197-11-600(3)(b) limits an agencies authority to adopt or utilize prior threshold determinations. The limitation is clear and unambiguous:

(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.)*

(Italics added). There should be no question that new information has been developed with respect to the use and operation of the DTG Enterprise facility located at 41 Rocky Top Road in Yakima, Washington. Since the date of the referenced threshold determinations, benzene and naphthalene were detected in ambient air at concentrations exceeding outdoor air quality standards under the Model Toxics Control Act (MTCA), Department of Ecology (Ecology) listed the site under MTCA authority, and the property owner and Ecology entered into an Agreed Order (AO) for cleanup work at the site. The AO required delineation of hazardous compounds and gas originating in the waste and groundwater monitoring to identify if hazardous compounds have reached groundwater. Landfill fires were identified at a depth of 10 feet below the landfill's surface. Further information confirmed that 743 cubic yards of PFAS contaminated soil was delivered to the landfill. Neighbors have registered and substantiated many other significant environmental impacts arising from or related to the landfill. This is all new information which requires withdrawal of existing threshold determinations and reinstatement of environmental review processes.

YRCAA is the lead agency for review of the *NSR Application*. WAC 197-11-050. The lead agency is required to prepare its own threshold determination and/or environmental impact statement (EIS) at the earliest possible point in the planning and decision-making process. WAC 197-11-055(2). If information on significant adverse impacts is essential to environmental review, the lead agency shall rely upon applicants to provide the necessary information. WAC 197-11-080(4). The agency is prohibited from taking any action on a proposal until a final threshold determination or environmental impact statement has been prepared for the project proposal. WAC 197-11-070(1).

We request that YRCAA take the following steps with respect to environmental review:

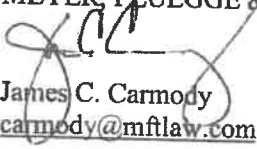
1. As lead agency, YRCAA either prepare an environmental checklist or require the applicant to prepare an environmental checklist. WAC 197-11-315(4).
2. As lead agency, YRCAA undertake a complete and appropriate review based on a complete and thorough SEPA checklist reflecting current use components and data/information known as of this date.

3. As lead agency, YRCAA determine that the current landfill operation would have a probable significant adverse environmental impact, issue a Determination of Significance (DS), and require preparation of an Environmental Impact Statement (EIS) in accordance with WAC 197-11-360(1).

The continued operation of the landfill and associated activities have already proven to have probable significant adverse environmental impacts. YRCAA is not authorized to proceed with review of the *NSR Application* until full and appropriate environmental review has been completed with respect to the project. SEPA demands a "thoughtful decision-making process" where government agencies "conscientiously and systematically consider environmental values and consequences." *ASARCO Inc. v. Air Quality Coalition*, 92 Wn.2d 685, 700, 601 P.2d 509 (1979). While SEPA does not demand any particular substantive result in governmental decision-making, it "...is an attempt by the people to shape their future environment by deliberation, not default". *Wild Fish Conservancy v. Washington Department of Fish & Wildlife*, 198 Wn.2d 846, 872-73, 502 P.3d 359 (2022). "SEPA constitutes an environmental full disclosure law." *Norway Hill Preservation & Protection Ass'n. v. King County Council*, 87 Wn.2d 267, 272, 552 P.2d 674 (1976). This is a case that requires appropriate environmental review.

Thank you for your consideration of our comments.

Very truly yours,
MEYER, FLUEGGE & TENNEY, P.S.


James C. Carmody
carmody@mftlaw.com

Permits

From: Nancy Lust <nancy.fort@cascadianow.org>
Sent: Monday, September 25, 2023 3:46 PM
To: Permits
Subject: Fwd: Comments on DTG's NSR Application
Attachments: FORT Comments on DTG NSR App and YRCAA Draft Permit 9-25-23.pdf

Attached please find comments from me, representing Friends of Rocky Top, regarding DTG's NSR application.

Thank you,

Nancy Lust
Friends of Rocky Top, Chair
a CascadiaNow.org project

September 25th, 2023

To: Hasan Tahat, Engineering and Planning Supervisor
Yakima Regional Clean Air Agency

From: Nancy Lust
Friends of Rocky Top Chair

I appreciate the YRCAA extending the public comment period for an additional 15 days. As I mentioned in the Community Forum on Sept. 18th, perhaps a more effective way of communicating this type of information with the public would be to issue a press release and email the people/groups (such as Friends of Rocky Top) directly who you know to be interested in DTG's landfill operations.

Comments on DTG's New Source Review Application for YRCAA Air Operating Permit

I urge YRCAA to postpone granting the Air Operating Permit to DTG until DTG puts forth a more rigorous, accurate, transparent, up to date application. Yakima County currently has two landfills with underground fires. This fact can only arise because the landfill operators disposed of material not permitted for their landfills AND from a history of lax oversight from regulators until relatively recently. DTG also created a MTCA toxic cleanup site. While the area of the landfill with the fire and the MTCA site are excluded from this permit, for reasons I understand, the very existence of these two problems at DTG's facility suggests the need for stricter scrutiny on the part of regulators and more thoughtful, transparent operating procedures on the part of DTG. For DTG's application to even be considered it needs to include the following:

Regarding Section 1.2 Site Description

1. A site plan diagram / satellite map that reflects the CURRENT configuration of the site rather than one dated 2015, as shown in Figure 1 on page 2 of their application. DTG HAS one dated June 21, 2023 that they included in their memo to Luke Lemond from Michael Brady of Parametrix, dated September 6, 2023 regarding Thermistor Installation / Limited Remedial Investigation Work Plan.
2. The aerial photo shown in Figure 2 on page 2 is also outdated, from 2016. DTG had drones flying over its facility this summer, so surely they have an aerial photo from summer of 2023 that would be more appropriate.
3. The aerial photograph of the PCS area in Figure 3 on page 3 is also outdated. Although there is not a date associated with the photo, I took the picture below on September 18, 2023, and it bears little resemblance to the photo shown in the application.

These are important changes to make because the picture created by DTG's current application leaves the reader with the impression that nothing at the facility has changed since Ron Anderson owned it. This is misleading because a lot has changed – it is a MTCA site; there is a fire; the first cell was built with a slope that was too steep and so DTG has had to purchase land

from a neighbor to be able to deal with the fire and they had to place waste on the southern slope of cell #1 because they filled up the cell faster than anticipated and faster than they could obtain permission to expand into the next cell.



Regarding Section 1.3 LPL Phase Planning

1. DTG looks to be building a huge trash mountain behind Carole DeGrave's home and those of the Coyote Canyon neighborhood and to the southeast of Paul Herke's orchard. Given DTG's poor track record of managing this landfill, I think Yakima County, Yakima Health District and YRCAA would be wise to require more than a 1000' setback from a neighbor's well. WAC 173-350-400 states 1000' as a MINIMUM. Given the increasing population density, it is not unreasonable to require a greater setback for future cells. The current landfill is too close to neighbors, and DTG has already had to purchase property from a neighbor in order to deal with the operations of the existing cell. Requiring a 2000' setback for future cells seems reasonable and prudent.
2. As part of the phase planning process, there needs to be an analysis of how the completed landfill would affect the amount of shade or sun reaching neighbors property. DTG needs to examine how the final fill, with elevation of 2,260', will affect neighbors' property – will Carole DeGrave need to spend more money heating her home in the

winter when the sun is low because the sun is not reaching her home? Will the odors for neighbors, who've made hundreds of odor complaints over the last few years, be even more concentrated because of the funneling effects created by the sides of the landfill? Will Paul Herke's fruit trees be negatively impacted by a frost pocket? DTG must explore the ramifications of its landfill in these ways.

3. This document is very silent on DTG's agreement to make all future landfill cells lined. Such a commitment involves designing a functioning leachate collection system and collection pond. In addition, DTG has agreed to place its MRF building on an impervious surface, rather than move it around the landfill. These things are nowhere to be found in any diagrams in their application.

Regarding Section 1.4 Permits

1. DTG mentions the Conditional Use Permit issued for the LPL in 2015. I know of the existence of CUP2015-051 and CUP2015-00051, both relating to the LPL. Both of these documents should be attached as appendices to the application. When dealing with permits that undergo many changes and modifications over the years, it is helpful to carry forward ALL the permitting documents each time there is a change. This way, the regulators, company, and public can clearly see the history and understand what is currently being required.
2. The last line of this section states "The previous owner, Anderson Rock and Demolition Pits, did not obtain an Order of Approval from YRCAA for operation of the facilities." This is despite the stipulation in the CUP2015-051, section IV.2 which states "The applicant [Anderson] must obtain necessary permits and dust control plan approval from the Yakima Regional Clean Air Agency prior to commencing ground disturbance as part of the expansion" (p 12). This is confusing to me. Why didn't this landfill operation ever obtain a valid permit from YRCAA? I want to understand why this is and how it happened. Did Anderson seek an Order of Approval for an Air Operating Permit and have it denied? Did he never bother to get one and YRCAA didn't notice? Did something in the law change between when Anderson got the LPL permitted and when DTG took over? Does each facility (LPL, PCS, MRF) need an Air Operating Permit from YRCAA? Would this be three separate applications and permits or all under one permit? If the LPL was supposed to have an Air Operating Permit in 2007 but didn't have one, why was DTG allowed to continue operating until June 30, 2023 without EVER securing one?

Regarding Section 1.5 Relevant Current Permit Activity

This section 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." It is my understanding that things like odors, dust, and litter from DTG's operations are not supposed to leave the boundaries of the facility. Yet, they do. So how are neighbors or trail-users who smell foul odors supposed to know if the odors are

coming from the MTCA site, the landfill fire, or the newly permitted landfill cell? It seems that the complexities of having multiple agencies with multiple jurisdictions trying to regulate this facility is one of the problems which got us all into this mess. When residents seek redress from a regulator, they are often given a version of 'that is not in our jurisdiction, you need to talk to so and so.' But for these odors, how will Ecology, YHD and YRCAA decide whose odor problem it is?

Regarding Section 1.6 Environmental Review (SEPA) and Section 3 SEPA Review

1. Section 1.6 mentions the 1992 SEPA Determination of Non-Significance for the PCS operation done in 1992, and at least part of this document is included in Appendix C of DTG's application. It would be preferable to have the completed SEPA documentation, including the environmental checklist, be a part of Appendix C also.
2. Section 1.6 also refers to the 2015 SEPA review, complete with environmental checklist and Determination of Non-Significance, but these documents are not included in the application at all. Section 3 states that "a copy of the final Determination of Non-Significance has been provided in Appendix D." Appendix D provides the DTG Recycle-Yakima Limited Purpose Landfill Operations Plan, and although this document has 5 appendices, none of these appendices contain the 2015 SEPA documents. DTG's application MUST include the full history of SEPA documents, from initial review and environmental checklists, to all subsequent reviews and findings.

Regarding Section 1.8 PCS Operations

1. With this current application, YRCAA appears to acknowledge in their Public Notice that DTG is seeking a permit for the LPL and for the MRF, but not the PCS site because DTG is currently not accepting any new PCS. Yet in DTG's application, under Section 1.8, they write "DTG intends to discontinue acceptance of PCS until such a time as an Order of Approval can be obtained from YRCAA, but the operations [to remediate the existing piles] will continue until all existing PCS has been fully treated." This suggests DTG is trying to obtain a permit to cover the PCS operation too. Please clarify whether YRCAA approval of this permit will result in a resumption of operations for DTG's PCS facility.
2. Sections 1.8.1 Facility Operations states "The exact location of the salvage/recycling area will be determined by the need at that time and will be moved as conditions change. It will, however, remain within the approved LPL area." This sounds like a cut and paste error for the operations plan for the MRF, not the PCS site. I would think the PCS site needs to remain located where it is.
3. Furthermore, the original permitting document stated that the PCS site was supposed to have 3 groundwater monitoring wells. Those wells, unfortunately, were never drilled. They need to be in place prior to any permit to operate be granted.
4. Another thing that needs to be part of DTG's PCS Operations plan is a stipulation saying that ONLY PCS can be stored in the designated PCS site, and not other types of soils or materials. Because the PCS soils must be labeled and identified and moving this soil around is part of the farming process, it is not best practice to allow other types of soil to be in the same area. This creates a condition where PCS and non-PCS soils could easily be mingled, thus diluting the amount of contamination without actually remediating

the soil. In March 2022, I saw trucks entering the PCS area loaded with soil, and knew DTG was not supposed to be accepting PCS. So I notified Ted Silvestri, who investigated, and learned that these trucks contained soil from the Nelson Diversion Removal project, not PCS soil, but in his phone conversation with me, he remarked about the practice of storing both PCS and non-PCS soils in the PCS area, "I wish they wouldn't do that." Please stipulate only PCS soils be stored in the PCS area. This will aid transparency.

5. In section 1.8.3 Waste Disposal Procedures, it states "The PCS piles are sampled and analyzed by an approved and certified laboratory on a periodic basis." What, approximately, is this period of time? Weekly? Monthly? Please clarify.
6. How does the YHD or YRCAA know where a specific PCS pile is located once it leaves the PCS area and is put on the landfill? It is my understanding that this is part of the protocol, but it was not stated in section 1.8 on PCS Operations.

Regarding Section 2 - Fee

DTG is now owned by Macquarie Asset Management, a global corporation with deep pockets. This landfill and PCS operation have created hundreds of hours of work for the YRCAA, and I suspect the agency has had to triage a few things because of the work being generated for them by DTG. YRCAA would be wise to implement a fee schedule whereby complaint-driven inspections and meetings that arise due to DTG's mismanagement of its operations generate an invoice to the company to cover the costs of this excessive regulation. The taxpayers of Yakima County should not have to foot the bill for keeping a company in compliance. Past performance on DTG's part suggests this is a fiscally responsible solution. A \$400 permit filing fee and the NSR fee are insignificant to a global conglomerate like Macquarie Asset Management.

Regarding Section 4.2 - Particulate Matter

The 2022 volume numbers need to be included in DTG's application and calculations. It is suspicious that DTG chose to only refer to landfill volumes between 2015-2021, despite having more recent data, especially since the 2022 landfill volumes were approximately 30% larger. I would think this may affect the calculations for landfill emissions.

I urge YRCAA, in conjunction with Yakima County Planning, to require trip counters on DTG's haul road. Such counters could record the date/time a vehicle crossed, and the general size or weight of the vehicle. Neither DTG nor the regulators have an accurate and transparent count for the number of trucks that use this road, which makes estimating the dust and vehicle emissions more challenging than it needs to be. Trip counters would also work to hold DTG in compliance for other permit stipulations, such as operating hours.

Regarding Section 4.2.2 - Haul Road

This section states "The paved portion of the haul road extends 0.63 miles from Summitview Road to the blue gate near the PCS area." Much of this road is in such poor condition, it can hardly be considered paved. The part of the road right off Summitview and the part near the PCS have virtually no pavement. Any observer can see the road needs to be repaved. YRCAA

should, at a minimum, require DTG to resurface these parts of the road, and fix the potholes, so the road actually is paved.

Conclusion

As you can see, Friends of Rocky Top contends DTG has significant work to do on their application to make it more accurate, up to date, transparent, and worthy of the public trust. We encourage you to require DTG to do this additional work and also for you to consider our suggestions and answer our questions.

Sincerely,

Nancy Lust
Friends of Rocky Top, Chair
A CascadiaNow.org project

Permits

From: Scott Cave <sccomm@sosmail.us>
Sent: Monday, September 25, 2023 3:57 PM
To: Permits
Cc: Hasan Tahat; James C. Carmody
Subject: Cave comments on DTG NSR Application
Attachments: Cave comments on YRCAA DTG NSR app permit FINAL, Sept 25, 2023.docx
Importance: High

YRCAA

Attached are my comments on DTG's NSR application. Let me know if you have any problem downloading the document.

Sincerely,

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

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

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

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

Subject: 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.

Problematic groundwater monitoring and sampling

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 500°F 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,
YAKIMA COUNTY, WASHINGTON
July 25, 2022

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 C&D, PCS & Lime	Wood Waste	Land Clearing Debris Accept	Land Clearing Recovered	Land Clearing Stockpiled	Land Clearing 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 year with at least 0.01 inch of precipitation

Comments/Questions:

- The precipitation correction term used in the equation for E_{ext} 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 E_{ext} 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 debris' 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.

Permits

From: Bob Johnson <jbob3827@gmail.com>
Sent: Monday, September 25, 2023 4:28 PM
To: Permits
Subject: DTG Clean Air Permit Review- Public Comment

To whom it may concern,

In regards to the Clean Air Permit that is currently in review for the DTG MTCA landfill I am submitting a public comment. I am shocked YRCAA would be considering a clean air permit for the expansion of facilities at this location. DTG has already displayed a vast amount of gross negligence when it comes to public health and clean air. If past were any dictation of the present and future activities we can only assume the same activities are going to persist if YRCAA permits this facility to continue to accept Construction and Demolition wastes.

YRCAA duty's are to protect the public health from air hazards that will cause the public harm. The issue here is that this landfill has been allowed to dump large quantities of Gypsum Drywall into this landfill creating highly combustible and toxic H₂S gas. This gas is highly flammable and is directly correlated to the fires that have been wreaking havoc to date.

Additionally, H₂S gas has a rotten egg smell at very small low trace amounts less than 1 PPM. However, when heavy amounts of gypsum drywall decomposes in a landfill harmful levels of this gas can easily be achieved. There are many studies showing that at 200-300 PPM H₂S gas can cause issues with breathing, headaches, and other health issues that are beginning to be found. Any levels above 300 PPM in air can paralyze someone's breathing ability and can lead to cardiac arrest and death.

H₂S is a heavy gas and finds low areas to settle in. The concern by the public is this gas will ultimately contaminate all surrounding areas affecting residents living in the area.

Please see the chart below that shows warning levels of H₂S.



Hydrogen Sulfide

- Decomposition of materials, human waste
- Naturally present in some oil/gas reservoirs
- Rotten egg odor at low concentrations
- Possibly no warning at high concentrations

PPM	Effect	Time
10	Permissible Exposure Level	8 Hours
50 - 100	Mild Irritation - eyes, throat	1 Hour
200 - 300	Significant Irritation	1 Hour
500 - 700	Unconsciousness, Death	1/2 - 1 Hour
>1000	Unconsciousness, Death	Minutes

Additionally, Why should Yakima be the dumping ground for Canada and the west side of Washington construction waste? Canada has banned gypsum drywall from being placed in their landfills, why? Well it's because there is enough data to support that there is a viable market for these materials and the health effects to the public are just too great.

This is why King County, Massachusetts, New Hampshire, Canada, and many other states and territories are banning this material from ending up in landfills.

We hope this helps your decision making process to stir far away from permitting Construction and demolition materials at this landfill.

Regards,

Anonymous..

Permits

From: Wendy Wickersham <wendywickersham@icloud.com>
Sent: Monday, September 25, 2023 4:58 PM
To: Permits; Nancy
Subject: DTG permit due for comment 9.25.23

Hi! I am writing this letter in regards to DTGs current permit application.

I feel like it is a crime against humanity pushing through the permit process with little time for public input—please inform all neighbors and extend the public comment period. There is too much to look through and time is a requirement to be thorough. There are huge problems at both privately owned LPLs in Yakima County. Well...another LPL in Yakima County has been running without a permit since June 30th so there clearly are problems. They are still operating today, September 25, 2023. Why aren't they stopped? Is DTG really not running their LPL? Hmmmm.....These problems all have a negative potential impact on neighbors and the environment. How are the neighbors and environment being protected?

The fallacy continues...why are the maps outdated? Why are the aerial photos outdated? Why does nothing reflect the current LPL? Their permit should reflect the current data and intake of waste. Why are they not being forced to do a new SEPA if their waste flow is so high? Where is the required compliance?

Yakima County is a dumping ground for our state and country. Please re-examine if that is what our county should be known for...our future is in your hands.

Thank you!
Wendy Wickersham

Sent from my iPad