 March 20, 2020

# STATE OF WASHINGTON

## DEPARTMENT OF ECOLOGY

## *1250 W. Alder Street ● Union Gap, WA 98903-0009 ● (509) 575-2490*

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| Ted SilvestriYakima Health District1210 Ahtanum Ridge DriveUnion Gap WA, 98903 | John MartinDTG EnterprisesP.O. 14203Mill Creek WA, 98082 |

RE: Permit transfer of Anderson Limited Purpose Landfill and Petroleum Contaminated Soils Site to DTG Enterprises, Inc.

Dear Ted and John,

After reviewing the status of the Anderson Limited Purpose Landfill (LPLF) and Petroleum Contaminated Soils Site (PCS) permit transfer application, the Washington State Department of Ecology has serious concerns. According to Yakima County Assessor records the landfill and mining operations known as Anderson Rock and Demolition were purchased on October 31, 2019 and have continued to operate. Ecology received an incomplete permit transfer application on December 9, 2019, and as of today, no definitive action has been taken by DTG to remedy this incomplete application.

The Revised Code of Washington (RCW) [70.95.170](http://app.leg.wa.gov/RCW/default.aspx?cite=70.95.170) states that “…no solid waste handling facility or facilities shall be maintained, established, or modified until the county, city, or other person operating such site has obtained a permit pursuant to RCW [**70.95.180**](http://app.leg.wa.gov/RCW/default.aspx?cite=70.95.180) or [**70.95.190**](http://app.leg.wa.gov/RCW/default.aspx?cite=70.95.190).” WAC 173-350-710 (6) reaffirms that “No solid waste permit may be transferred to a new owner or operator without first obtaining approval from the jurisdictional health department by submitting an application specified by the jurisdictional health department and the department pursuant to subsection (1) of this section.”

In addition, it has come to our attention that the financial assurance put in place by Ron Anderson, the previous facility owner, was removed at the time of sale and no financial assurance has been established by DTG Enterprises. WAC 173-350-710(6)(iii) explicitly states for permit transfers that “Existing financial assurance must remain in place by the currently permitted owner or operator until this requirement is met”.

Yakima Health District’s (YHD) letter dated February 20, 2020, to Mr. Martin of DTG Enterprises gave DTG Enterprises until April 10, 2020, to submit a complete permit application. By the time of this deadline, DTG Enterprises will have operated the LPLF and PCS for nearly 6 months without a permit in their name nor financial assurance. This is simply not acceptable. We reaffirm that the landfill must come into compliance with all federal, state and local regulations, including WAC 173-350 immediately.

We are not in the wild west anymore, medical doctor’s cannot open and operate medical facilities without the proper educational credentials, government issued licenses, and malpractice insurance policies. Similarly, landfills cannot operate without the proper permits and compliance with regulations, this simply is not a choice. These are requirements to operate as a business in this industry, compliance with regulatory requirements provides assurances that are protective of human health and the environment. The public expects that government regulators hold facility operators accountable to regulatory requirements. Only meeting regulatory requirements is satisfactory, not promises to comply.

If DTG enterprises fails to submit anything by the April 10, 2020 deadline, then Ecology recommends that immediate action be taken by YHD to cease operations at the LPLF and PCS until full compliance is achieved. To be abundantly clear, any behavior of re-submitting sloppy, inadequate, or incomplete permit transfer application or inadequate financial assurance with supporting cost estimate calculations by DTG to simply meet YHD’s April 10, 2020 deadline, is not acceptable. Should such behavior occur, then Ecology recommends YHD carry out the same immediate action of ceasing operations at the LPLF and PCS until full compliance is achieved. However, if DTG submits information by YHD’s April 10, 2020, deadline and only has minor corrections needed after YHD and Ecology’s review, then Ecology would recommend to YHD to provide DTG, one last, 21 day window to correct deficiencies, again failure to correct, must end with the LPLF and PCS facilities ceasing operations until full compliance is achieved. In situations like this, it is good to be clear, to be clear, continued ongoing promises to comply are not satisfactory. There is no substitute for regulatory compliance.

The following Ecology staff members below are available to help provide technical assistance in these specific areas. Please reach out to them and include them in conversations between YHD and DTG so that we all remain on the same page, so we can get the job done and meet requirements in the most efficient way possible.

Permit Transfers:

Kimberly Grieves

509-575-2837

Kimberly.Grieves@ecy.wa.gov

Financial Assurance Estimates and Supporting Cost Estimate Calculations:

Alan Noell

425-649-7015

Alan.Noell@ecy.wa.gov

Lastly, we understand that the COVID-19 outbreak has introduced some new challenges recently but our office is committed to continuing service to our stakeholders. Please feel free to reach out to us at any time. We support having open lines of communication about the facility and permit transfer application.

Thank you for your attention in this matter.

Sincerely,

James Rivard

Regional Manager

Solid Waste Management Program

Central Regional Office

CC: Kimberly Grieves, Ecology Lead Facilities Specialist

 Alan Noell, Ecology Engineer

Certified Mail – Yakima Health District [7019-2970-0001-5250-0022]

Certified Mail – DTG Enterprises [7007-2560-0001-7676-2033]