

# Friends of Rocky Top (FORT)- FAQs

## 1. What has FORT accomplished–Briefly?

Gotten regulators attention and engagement focused on closer scrutiny of DTG, resulting in:

- DTG adhering to the permitted setbacks, cutting DTG’s landfill capacity by 40%;
- YRCAA pulling the air-operating permit for DTG’s PCS site, and subsequently DTG deciding to get out of the PCS business altogether;
- DTG hiring trash-pickers and putting up barrier fencing to address litter problem;
- DTG conducting air quality assessments showing abnormally high levels of Toxic Air Pollutants and Volatile Organic Compounds coming from the landfill;
- Regulators requiring DTG to improve the groundwater monitoring system – One monitoring well drilled in July, another drilled for August, but aborted before hitting water;
- DTG’s owner, Dan Guimont, paying for the damages to neighbors’ homes caused by the Jan. 6th, 2022 blast;
- Greater adherence to the permitted operating hours of 6am to 6pm M-Sat by DTG;
- The WA State Dept. of Ecology naming DTG a Potentially Liable Party in toxic cleanup operation of the MTCA - Model Toxic Control Act (See [Ecology's link to DTG/Anderson Cleanup info](#));
- Working with news media – 1 NWPR story with another on the way; 3 major stories in Yakima Herald Republic and several updates; still working with Seattle Times and King TV. See the “In the Media” section of [The FORT webpage](#)

**2. What is DTG?** In 2019, DTG purchased the Anderson properties on Rocky Top, including permitted operations for a limited purpose landfill (LPL), petroleum contaminated soil (PCS) remediation, rock mining and demolition, and an asphalt batch facility (permitted but not yet built). The acquisition was a result of a long-term relationship between Dan T. Guimont, the president and founder of DTG, and Ron Anderson. DTG operates over 15 Material Recovery Facilities (MRFs), Recycling operations, and/or trucking companies, most of them on the west side of the state. In 2021, DTG obtained a permit for a MRF at Rocky Top, allowing them to collect recyclable material here too. In 2022, DTG was sold to Macquarie Asset Management, a global financial firm based in Australia.

## 3. What are FORT’s concerns with the operational activities of DTG?

- Dumping of non-permitted waste, recyclable materials, and sewage/wet waste into the unlined landfill.
- Potential contamination arising from depositing soil contaminated with PFAS into landfill.
- Toxic chemical odors & gasses coming from LPL and/or PCS sites, often strong enough to cause nausea or headaches as it drifts onto CCC, STAY, and WODFT trails and surrounding properties.
- In July, 2022, DTG punctured the natural geologic layer which formed the liner protecting the groundwater, increasing the potential for landfill leachate to enter the ground water and impact neighboring wells and Cowiche Creek, a stream providing habitat for steelhead and bull trout (both listed as Threatened under the Endangered Species Act), Coho and Chinook salmon, and other fish.
- Inadequate financial assurance to properly close the facility.
- Inconsistencies in DTG’s reporting of amount of waste accepted.
- There is a landfill fire, contributing to the toxic fumes complicating the MTCA investigation
- Following Yakima Herald Republic press coverage, DTG engaged in harassment activities toward neighbors.
- Due to FORT’s efforts to conduct thermal imaging using a drone, DTG called the sheriff to one neighbor’s home, twice.
- After hours operations and truck staging/idling all night, creating a noise nuisance, and casting suspicion on company motives with potential risks to human and environmental health. (This has improved since Yakima County Planning sent DTG a letter in the fall of 2022.)

#### **4. What evidence substantiates these concerns?**

- Over 100 complaints by neighbors and concerned citizens with photos, videos, and eye-witness accounts detailing the blowing dust, litter, odor, after-hours truck traffic, etc...have been filed with Yakima County Health District (YHD), Yakima Regional Clean Air Agency (YRCAA), Yakima County Code Enforcement, and Washington State Dept. of Ecology.
- Independent gas emission data showing methane and temperature spikes coming from landfill. Freestone Environmental Sciences, *Soil Gas and Ambient Air Sampling Report*, February 17, 2022, sampling data confirms the DTG LPL is belching “pollutants that are toxic in nature.”
- Data showing dramatic increase in tonnage going into landfill, and anecdotal observations of increased truck traffic. The 2021 total of 481,093 yd<sup>3</sup> is 180% more than 2020, and far above DTG’s estimate to regulators of just a 2% increase. This low estimate allowed DTG to pay less financial assurance than the actual volume disposed, forcing DTG to make a catch-up payment. In another document, DTG admits to actually accepting 542,025 cy of waste in 2021, thus creating a discrepancy in their reporting.
- In 2021, over 50% of waste put into the LPL was from outside of Yakima County, coming primarily from Pierce and Snohomish counties, as well as 164,400 yd<sup>3</sup> from Canada.
- A team of Hydro-geologists evaluated the science used to characterize groundwater for permitting of Anderson (now DTG) facilities, and found limited investigative effort and problematic results, including an inadequate groundwater monitoring system. DTG and YHD do not have adequate monitoring systems for either groundwater or air quality.
- Observations from inspections made by Dept. of Ecology and YHD personnel showing improper handling of PCS waste, the puncturing of the Vantage Interbed layer, and the presence of recyclables and unacceptable materials in the landfill.
- On Sept 28, 2022, WA Dept. of Ecology notified DTG it was a Potentially Liable Party to the release of harmful substances—namely Benzene and Naphthalene, as part of the MTCA investigation.

#### **5. What has FORT done to make their concerns known to DTG and government agencies?**

- FORT members have complained FOR YEARS –first to Ron Anderson, the previous owner, then to DTG, and for the last 3 years to the various government agencies.
- FORT and Cowiche Canyon Conservancy have worked together to file complaints, write and/or meet with the various regulators to push them to take action against DTG, and obtain independent methane and temperature testing of the LPL.
- Facilitated a survey of well-water levels in the Rocky Top area to determine groundwater level and appropriate monitoring.
- Conducted intensive investigation of public records to uncover a variety of permit violations and bring them to the attention of regulators.
- FORT members have been meeting regularly with regulators and once with DTG personnel to address concerns.
- FORT and its partners have conducted Thermal Imaging via drones operated by Delmar Aerospace.
- FORT helped facilitate a water quality survey of the closest wells to DTG’s landfill, done by Dept. of Ecology as part of the MTCA investigation. The results indicated no threats to groundwater yet.
- FORT is working with Caton landfill neighbors and Cowiche Canyon Conservancy neighbors lobby County Commissioners on policies to improve the Yakima Health District’s ability to regulate county landfills.

#### **6. What have state and county regulators done?**

Although government regulators were initially slow to respond to our concerns, they have become more engaged. DTG is subject to more frequent inspections. YHD, YRCAA and Ecology have written a number of letters to DTG citing various permit violations, and recommending a wide array of measures for addressing concerns: core samples, revised hydrogeology site characterization, more monitoring wells, better air monitoring system, instructed DTG not to accept wet waste, ground up waste, municipal

solid waste, plastic film waste, and recyclable materials for disposal in landfill. The YRCAA has withdrawn DTG's Air Operating permit, effectively shutting down the PCS site, and delaying the opening of the next LPL cell. DTG continues to work with YRCAA to obtain their Air Operating Permit. To our knowledge, DTG has not been fined. Recently, both Ecology and YHD have enlisted their attorneys in help with communications with DTG. Yakima County Public Services sent a 'Friendly letter' to DTG officially warning them to abide by operating hours and work to address the vegetative buffer. Yakima Health District also sent DTG a similarly stern letter regarding the landfill fire.

**7. What has DTG done so far to correct the problems?**

DTG has put up fencing to contain more of the blowing plastic. They have hired trash pickers to pick up litter on surrounding properties. They have been working with state and county regulators to improve their air and groundwater quality monitoring systems. DTG drilled another groundwater monitoring well, and unexpectedly hit water around 50 feet. Ecology recommended drilling another well, because this water level was still different than any of the other water monitoring wells existing. DTG began drilling another well, but halted drilling in late summer saying they had run out of funds. (NOTE: In late September, DTG acquired Olympic Organics, and since then, they have purchased 4 more recycling or trucking companies, so they must have had some money in their bank account.) They have applied more ground cover to the areas venting toxic gasses. This reduced the odor issue a little in the autumn, but cracks formed and gasses and smoke are seeping through those cracks. Adding ground cover to keep gasses underground poses the risk of the gasses finding another way out of the landfill – either through the creation of another vent, or by being pressed into the groundwater. This is a major concern for FORT. DTG has also hired a more experienced landfill manager.

## 8. Who do I complain to about what?

- **Key info:** DTG's address is 41 Rocky Top Road, Yakima, WA 98908.
- **Get pictures or video if possible!** Sometimes the complaint form only allows you to submit one photo, but you can load multiple pictures into a Word document, and attach the single Word file, or email someone in the agency additional photos/videos. The email must be less than 30mb though.
- **It is VERY important to file your complaints with Dept. of Ecology and Code Enforcement.** The ERTS system will forward your complaint to Yakima Health District (YHD), but not Yakima Regional Clean Air Agency (YRCAA). The State Dept. of Ecology, YHD, and YRCAA are the investigative bodies, and will work with DTG trying to bring them into compliance, but they can't issue fines. That is where Code Enforcement comes in.
- **For help:** feel free to reach out to Scott Cave at [sccomm@sosmail.us](mailto:sccomm@sosmail.us) or (360) 789-2772, or Nancy Lust at [lustnj@gmail.com](mailto:lustnj@gmail.com) (509) 930-7997.

**For complaints about everything:** Odor, Dust, Litter, Ground Water, Permit violations, unacceptable waste, after-hours activity, setback violations, noise, lack of notification, complain to BOTH Ecology and Code Enforcement!

- **Washington State Dept. of Ecology [ERTS](#)**  
This form is more involved, but many things can be left blank. Unfortunately, 'unit of measurement' is required to quantify the problem you are complaining about. Usually, there isn't a relevant unit of measurement (I don't know how to measure dust or stench in the air, or litter) ...so just pick something that is close and do your best to estimate. You can explain more about the quantity in the box where they let you describe the problem.
- **Yakima County Code Enforcement - [Complaint Form](#)** For most complaints you can check "A home or commercial business operating illegally." This form does not have an option for litter, so check "Junk or Debris on Private Property," if litter has blown onto your property, or click "Clearing, grading, or disturbance near a wildlife area habitat," if the litter has blown onto the Shrub-Steppe areas around Rocky Top.

**IN ADDITION, for complaints about ODOR or DUST:**

- **Yakima Regional Clean Air Agency [Complaint Form](#)**  
This is a simple one-page form.