

**PIMA COUNTY
DEPARTMENT OF ENVIRONMENTAL QUALITY**



**PUBLIC HEARING TRANSCRIPT
FOR
THE PROPOSED AIR QUALITY OPERATING PERMIT
FOR
DKL HOLDING'S, INC. DBA
MARANA REGIONAL LANDFILL, INC.
14805 W. AVRA VALLEY ROAD
MARANA, ARIZONA 85653**

June 11, 2012

PUBLIC HEARING
REGARDING
THE PROPOSED AIR QUALITY PERMIT
FOR
DKL HOLDINGS INC's MARANA REGIONAL LANDFILL
FACILITY
THURSDAY MAY 31, 2012

Today is Thursday, May 31st, 2012. The time is approximately 5:30pm. The location is the Geasa-Marana Library in Marana, Arizona. I'm the Hearing Officer for today's proceedings representing Pima County Department of Environmental Quality. I'll refer to the department as PDEQ from this point on. My name is Mukonde Chama, Permits Supervisor, and I'll be presiding at this hearing tonight. Other PDEQ representatives are: Beth Gorman, sitting in the front, PDEQ Communications, Senior Project Manager and Karen Wilhelmsen, Communications Program Coordinator.

At this time, we are conducting a formal public hearing. The purpose of this hearing is to allow citizens the opportunity to enter into the record, oral or written comments regarding the new proposed Air Quality Permit for DKL Holdings Marana Regional Landfill which is proposed to be located at 14805 W. Avra Valley Road, here in Marana.

By law, a public hearing must meet certain requirements. Those are:

- (1) A 30 day advance public notice must be given in two newspapers of general circulation. Notice was given on May 1st, 2012 and May 8th, 2012 in the Arizona Daily Star and The Daily Territorial.
- (2) The public must be given an opportunity to speak or to give written comments during the hearing and tonight is the forum where that can occur.
- (3) A hearing must be conducted "on the record" which means that it is recorded in some way. As evidenced by all, the recorder is in the front and tonight's meeting is being tape recorded.

This hearing is considered a "formal public hearing" under state law. A formal public hearing is different than a public meeting. In a public meeting there is an opportunity for questions and answers between the public and the department. That opportunity was held Tuesday night in this very same room. As tonight is a formal public hearing, the representatives of the department will not formally be answering any permit related questions. At a later date PDEQ will prepare a written response to all questions and comments entered into the record regarding the proposed revision. If you have questions about the permit, please include them in your comments. Pima

County staff will not be available to answer questions about the permit after the hearing tonight. All comments and questions should address the permit and air quality regulations.

The agenda for tonight's hearing is as follows: First, there will be a brief presentation on the proposed air quality permit and then I'll begin to call speakers in the order they were signed in, so as to begin taking public comment. Please follow the procedures given for making your comment. If you wish to comment, you must fill out a speaker slip that is available at the front and you will give that to Karen. This procedure will allow everyone an opportunity to be heard and allow us to match the name on the official record with the speaker. I will call individuals in the order that speaker slips were submitted. Please print your name to help ensure that we spell it correctly, it is in the record and that I do not completely mispronounce your name. We ask that comments be limited to three minutes so everyone who wishes to make a comment is given the opportunity to do so. You may also submit written comments this evening. Written comments shall also be submitted to Karen. If you wish to do so, you may make both oral and written comments in the process.

Once again, the purpose of this hearing is to receive comment from the public on the proposed revision. By law, all the comments that are made here or in writing are considered by PDEQ before making the final decision regarding the proposed Air Quality Permit. The department must evaluate, in writing, all comments, both written and verbal that are received. This document is known as a Response to Comments Summary. It is available at the time the department makes a final decision regarding the proposed air quality permit. If you wish to be notified of the decision made by the department, please be sure to sign the attendance sheet located at the front. At this time, I will now give a brief summary of the proposed permit.

The Marana Regional Landfill is a proposed municipal solid waste disposal facility, which will be constructed within Pima County's boundaries. As an air quality control district, PDEQ has jurisdiction over facilities requiring air quality permits in this region. The property has an area approximately 592 acres located roughly 8 miles west of the Avra Valley road exit, off Interstate 10. The final footprint is projected to be approximately 415 acres. The landfill is estimated to accept a daily average of 2,000 tons of waste. This waste will consist of non-hazardous residential, commercial, industrial and inert waste. The categories of municipal solid waste that will be allowed at the landfill are identified in the permit. These categories are approved by the Arizona Revised Statutes and so Pima County cannot revise or add to that list unless approved by federal regulations and/ or The Department of Environmental Quality as the State Department.

The proposed air quality permit requires that the Marana Regional Landfill controls landfill gas, as per federal standards and meet Pima County standards for dust control throughout the lifetime of the facility. During the initial stages of the landfill's construction, fugitive dust produced during construction and operation will be the primary air quality concern. Future landfill operations will require the installation and operation of a landfill gas collection and control system. It is anticipated that this system will not be required until 2016. It is at that time that the landfill is projected to meet the federal threshold that necessitates the immediate development of a gas collection and control plan, that will be submitted to Pima County DEQ and we will review the plan, suggest any changes, and, once approved, the last thing required is to install the collection system.

Not only does the permit require that the landfill meet Pima County fugitive dust standards, but that monitoring and recordkeeping provisions are adhered to in order to verify compliance with

those standards. The air quality permit also requires the Marana Regional Landfill to propose and maintain an operation and maintenance plan for dust emissions from the roads onsite.

When open for receiving waste, daily operations at the facility will consist of waste acceptance and daily covering of the waste to meet federal regulations. Waste will be delivered to the facility by transfer trucks from transfer stations, commercial and private vehicles. Operations will consist of evenly spreading the waste in layers and compacted prior to placing the daily cover. Of concern during these operations will be fugitive dust, therefore the landfill will be required to meet Pima County fugitive dust standards, in addition to the federal standards.

That's the end of the facility and permit summary. We are now going to begin taking formal comment. I would like to remind people that if you wish to speak, please complete one of these speaker forms at the front. When I call your name, please speak very clearly into the microphone. And begin by giving your name so it can be entered into the record. And as far as I know there are only two people that are registered. We will begin by taking comments from, I believe, the first one is Annie Shellberg.

Annie Shellberg from Happy Acres subdivision, that's S-H-E-L-L-B-E-R-G. First and foremost the Happy Acres residents do not categorically oppose the landfill nor do we fear health issues as a result of waste. We believe that PDEQ, Town of Marana and Pima County will work with due diligence and monitoring all safety regulations, such as the NMOC emissions calculations that I wouldn't even begin to understand. We do want every precaution and regulation afforded this project for the safe travel of our family and friends currently utilizing the Avra Valley Road corridor, which includes high school traffic. So, in reference to this actual position, I think our main thing is we want PDEQ to understand that although you all understand the Air Quality of it and everything; we have actually lived through this. So, we have a gravel pit across the street from us and we have a cement plant that has now dug, I think, is a 50 feet hole at Avra Valley Road and the freeway. Our biggest concern is things like vehicles that have too much dirt falling from them, and on their tires and when it gets on the road and dries and the cars start driving through it, it creates big huge cones of dust. That for young, inexperienced high schoolers who might be texting on their way to school, could be a big distraction. We do believe that DKL Holdings will work with us on any of the things we have concerns on, but we went on the record because engineers have designed some of the other problems that we have on the I-10 frontage road, near the cement plant. And it took 2 years, 3 engineers and ADOT 2 years to fix the problem as we all drove thru this dust every day and almost hit bicyclist, so it is important for you to understand the demographics of our area. Although we trust your judgment and your expertise in the subject matter. Young and inexperienced drivers are easily distracted and our priority is to protect them, your job is to protect our environment and we expect you to do your job. Paramount to this goal is an active and well-thought out track-out provision, particulate monitoring on Avra Valley Road, not just in the actual site itself, and impartial Method 9 observers. And I have a list for your records as to all the pages and which sections and it's really just kind of like things like the 19 hours of operation we think is kind of excessive. You'll have trucks, people, anybody even after hours of operation. We will still work with DKL Holdings on hopefully trying to get those trucks not to be utilizing the corridor at the busiest time of day while the kids are going to school and those kinds of things. And specifically on page 25 is the making quarterly reports, like you are going to have a report and that is supposed to be available. We would like it to be available quarterly to representatives of neighborhood organizations surrounding the area. And you guys could pick a day of the month and say ok on May 25th any

subdivision is invited to come and look at any reports they want to come and look at. Not saying that we will but we would like the opportunity to. And on page 24 which is just, again, just specifically including Avra Valley Road and the monitoring of the dust on the roads. And I'm sorry but one other thing is that page 22 which is also what we think is very important is that in the very first paragraph of F, it says that if there is anything in the road that is deposited by trucking or earth moving equipment should be removed from paved street by the person responsible for such deposits. And we want you to consider changing that to just say that DKL Holdings is responsible for anything that has to do with trucks traveling in or out of their site, not some sub-contractor that we will never find. And that's it. Thanks.

Thank you Annie and the next on the list is Betty Sue Bard:

Ok, I live in Silverbell West which is right in our back yard. This is how I feel. We are against it because our daughter's got cystic fibrosis. And I mean right in our back yard wind blows, it blows right across the from our place, right from that place. I even got a letter from her doctor stating that a landfill being there would be detrimental to her health, it will kill her. So, please don't do it. Don't give them the permit because of bacteria, the mold, everything from that place will go right across our yard and in my daughters lungs and it will kill her. We moved out there 20 years ago to save her life from the city smog and all the pollutants in the air. And all of our friends that live in the city are in and out of the hospital. She goes there once a year, because we live where we do, to have a "tune up job" done as they call it, to adjust her medications and everything else. So, don't put it there, don't let them have it. Let them find a new open area where it's not going to be in someone else's backyard. Nobody needs that stuff in their yard, especially not people that are sick already. And here you can have this one. That is an official letter from her doctor and it states in there they don't recommend a landfill going in because of her health. And that's the only thing I've got to say. Thank you.

Is there anyone else? We will wait for a few moments in case someone's trickling in and we will go off the record if no one else comes in that time.

At the moment we will go off record for a short while since there is so much time left before the official end of the hearing. We will go off record to give people time to come in, if we get a significant number that come that sign in and want to speak, we will come back on the record, so as for now we will go off the record for a period of time.

It is now 6:28 p.m. We are now back on the record. We will proceed with the hearing. Seeing that there are no more speakers available for making public comment, we will go ahead and give a final opportunity for anyone here to give a public comment. If no one is coming forward then I would just like to say that, remind people, that the department will provide response to the comments. Those will be developed and available in the near future. If you would like these documents sent to you, then please make sure that your name and address are clearly printed on the sign-in sheet at the front. We can send those documents out to you if you leave us that information. You may also leave your e-mail address and we can e-mail it to you, as well. I will now close the hearing at this point. Thank you for attending. Your interest is appreciated. Today's date, again, is Thursday May 31st, 2012. The time is 6:29 p.m. Public hearing is now adjourned.

Thank you