

**PIMA COUNTY
DEPARTMENT OF ENVIRONMENTAL QUALITY**



**RESPONSE TO COMMENTS
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

INTRODUCTION

In 2011, DKL Holding's Inc. notified the Pima County Department of Environmental Quality (PDEQ) of its planned start-up of landfill operations in Marana, Arizona. An application was submitted on September 23, 2011 to obtain an initial installation and operating air quality permit for the proposed operation of the Marana Regional Landfill (MRLF). The application is for the construction and operation of a municipal solid waste landfill to be owned and operated by DKL Holdings Inc. The MRLF is subject to the New Source Performance Standards (NSPS) for Municipal Solid Waste Landfills, promulgated under 40 CFR 60 WWW. In addition, Subpart WWW requires that the MRLF obtain a Title V (Class I) permit since the landfill exceeds a design capacity of 2.5 million cubic meters or 2.5 million megagrams. MRLF will operate a water pump and gasoline storage tank onsite. These two operations are subject to federal standards.

The final proposed permit that has been developed for MRLF includes the federal NSPS that requires landfills with non-methane organic compound (NMOC) emissions that exceed 50 Mg/yr to design, construct, and operate a gas collection and control system (GCCS). Modeling submitted by DKL has estimated that a GCCS would be required at MRLF in calendar year (CY) 2016. When the NMOC emissions exceed 50 Mg/yr, the MRLF will be required to submit a GCCS plan for approval by PDEQ.

PUBLIC PARTICIPATION

PDEQ published notice of its intention to issue an initial installation and operating air quality permit to MRLF on May 1 and May 8. On these dates, the public was also informed that a public meeting and public hearing would be held. The public meeting was held on Tuesday, May 29, 2012 from 5 – 7 p.m. and a public hearing was conducted on Thursday, May 31, 2012 from 5:30 – 6:30 p.m. Both events were held at the Geasa-Marana Branch Library, 13370 N. Lon Adams Rd in Marana, Arizona. In addition, PDEQ issued a news release on May 25, 2012, to publicize the meetings. The media covered the topic of the meetings numerous times including articles in the Arizona Daily Star, the Marana Weekly, the Republic.com, the Tucson Citizen.com, topix.com, Phoenix_on.us, the Arizona Daily Sun.com, azstarnet.com, kswt.com, KPHO.com.; TV news segments and tickers across the news shows on KVOA TV 4, KOLD TV 13, KGUN 9 TV, and mentions on several radio stations.

Public notices were prepared and submitted to local newspapers for publication. The *Arizona Daily Star* and the *Daily Territorial* are the two newspapers PDEQ typically uses to publish notices. Information was also available on a page created for the MRLF. This page was accessible to the public from the main PDEQ website and included all documents received by the department from application submittal up to and including the proposed permit and technical support documents. The website was and will continually be updated with correspondence up until the issued final permit and technical support documents.

During the 30-day public comment period, PDEQ received 4 comments submitted on May 31, 2012. One of the concerns voiced by the public was fugitive dust from the facility emanating

from trucks travelling in and out of the facility. As a result of one of the comments submitted, PDEQ revised the permit to require that the MRLF include in their operations and maintenance plan, the installation, maintenance and use of rumble strips, wheel washer(s), truck washer(s) or equivalent controls to prevent trackout from the facility. See below for all changes made to the proposed air quality permit based on public input.

SUMMARY OF CHANGES MADE TO THE PROPOSED FINAL PERMIT

Changes made to the MRLF proposed draft permit, based upon industry information available and comments received during the public comment periods and at the hearing, are summarized below as follows:

1. Part B, Section 1, Landfill Operations, III Monitoring Requirements

Installation Permit Condition (C.1.a). Revises the submittal of the Operation & Maintenance (O&M) Plan as follows:

the Permittee shall propose, ~~and~~ maintain and comply with an O&M Plan with a schedule of maintenance for active roads identified in the modeling results within 60 days of start-up. The O&M Plan must include the installation, maintenance and use of a rumble grate, wheel washer, truck washer or equivalent control to prevent trackout.

2. Part B, Section 1, Landfill Operations, IV Recordkeeping Requirements

Installation Permit Condition (C.1.a & b) Requires additional recordkeeping of the actual hours of operation for the landfill as follows:

- a. the ~~date and~~ time the landfill begins mass excavation operations.
- b. the ~~date and~~ time the landfill ends mass excavation operations.

(Underlined language added following public comment, strikethrough language deleted from permit)

There were no other changes made to the proposed draft permit based on public comments.

RESPONSE TO COMMENTS

This summary presents PDEQ responses to written, emailed and/or oral comments received during the 30-day public comment period and the May 31, 2012 public hearing.

I. Jamie E. Mckay – Marana, AZ (By email)

1. **I cannot believe the City of Marana, did NOT send out public notice through the US Mail of the hearings this week.**

PLEASE GIVE THESE COMMENTS TO THE APPROPRIATE PERSON.

I would appreciate a call at 520 XXX-XXXX to tell me who I need to follow up with on this extremely important issue.

If I had not been home this afternoon, I would not have known anything about this! I had to learn about it on the Channel 13 news broadcast.

- a. **You cannot build a landfill in an area where thousands (true count) drive right by it at least twice daily at least 5 days a week. Do you not understand the amounts of elderly with health conditions we have living in this area of Avra Valley? I am 53, have lived out here since 1996. The air quality in the Valley is not good to begin with due to dust. People who have chronic illness plus asthma such as myself and many other residents cannot and will not put up with a landfill being put on a major thoroughfare, near the airport, a restaurant or next to a road that people take every day to work to the doctors to the grocery store etc... This landfill needs to be placed out miles from where people have built their homes of many years. Why don't you go N toward Redrock or EAST from I-10????? This is absolutely ridiculous!**

The company responsible for putting this in will NOT as no one else has been able to, control the odor or gases. I for one smell the gases and immediately get a severe asthma attack. I can say more but want to send this before 5p.m. It is now 4:57 p.m. Thursday, May 31, 2012.

Pima County Response: In addition to publication of the meeting notices in the Arizona Daily Star and the Daily Territorial legal notice section, PDEQ issued a news release on May 25, 2012, to publicize the meetings. The media covered the topic of the meetings numerous times including articles in the Arizona Daily Star, the Marana Weekly, the Republic.com, the Tucson Citizen.com, topix.com, Phoenix_on.us, the Arizona Daily Sun.com, azstarnet.com, kswt.com, KPHO.com.; TV news segments on KVOA TV 4, KOLD TV 13, KGUN 9 TV, tickers across the bottom of the screen during several TV news shows, and mentions of the meetings on several radio stations.

Arizona Revised Statutes section 49-112 allows a county to adopt a rule more stringent than current rules adopted by ADEQ or the Pima County Board if the county shows the rule is necessary to address a peculiar local condition and there is credible evidence that the rule is either necessary to prevent a significant threat to public health or the

environment or is required for conformity to federal regulation(s). The statute does not authorize PDEQ to change regulations on a facility-by-facility basis.

At present the air quality in the area meets all federal, state and local public health or environmental regulations. The MRLF has met all required air quality regulations as well as all administrative and technical requirements prior to PDEQ issuing an initial installation and operating permit. However, based on comments received during our public comment period, PDEQ included additional requirements in the proposed air quality permit to reduce dust emissions associated with landfill traffic.

**2. Letter from University Physicians Healthcare (UPH) on Behalf of Michelle Williams
To whom it may concern:**

I care for Michelle in our Pediatric Pulmonary Clinic because Michelle has cystic fibrosis. Cystic fibrosis is an inherited disease that Michelle has lived with all of her life. It causes her to have very thick, tenacious mucous in her sinuses and her lungs, which cause her to have recurrent problems with sinusitis and pneumonias. These infections cause damage to her airway and her lungs and eventually lead to lung damage and shorten her life. The average life expectancy for females with cystic fibrosis, at this point is, only 36 years.

There are many elements to help keeping people with cystic fibrosis well, that include medications, aggressive airway clearance. They also, however need avoidance of significant exposures and triggers that might make them sick. The presence of a landfill near Michelle's home would be quite detrimental to her health. Landfills unfortunately have large numbers of bacteria and mold and other pathogens that could cause Michelle damage, including pneumonias cause her to be hospitalized and in fact shorten her life. It is important that Michelle be able to avoid these pathogens and this stress on her system. It will have a significant negative effect on Michelle's health and life if the landfill is built near her home. I would strongly encourage you to understand this and to take it into consideration when deciding where to place the landfill, as you will put Michelle's health at risk.

I thank you for your consideration in this matter. Please do not hesitate to contact me with any questions.

Sincerely,

**Cori L. Daines, M.D.
Assistant Professor of Clinical Pediatrics
University Physicians Healthcare**

Pima County Response:

Based on comments received during our public comment period, PDEQ included additional requirements in the proposed air quality permit to reduce dust emissions associated with landfill traffic. The site map indicates that the landfill itself will be over

one mile from the edge of the property where Ms. Williams lives, however, PDEQ has no jurisdiction or input on where landfills can be placed once a potential facility meets the air quality requirements. PDEQ's role when issuing an air quality permit is limited to evaluating the potential regulated emissions from the facility with regard to established federal, state and local air quality regulations and standards.

Additionally, Arizona Revised Statutes section 49-112 allows a county to adopt a rule more stringent than current rules adopted by ADEQ or the Pima County Board if the county shows the rule is necessary to address a peculiar local condition and there is credible evidence that the rule is either necessary to prevent a significant threat to public health or the environment or is required for conformity to federal regulation(s). However, the statute does not authorize PDEQ to change regulations on a facility-by-facility basis. At present the air quality in the area meets all federal, state and local public health or environmental regulations. The MRLF has met all required air quality regulations as well as all administrative and technical requirements prior to PDEQ issuing an initial installation and operating permit.

3. Annie Shellberg – Marana, AZ

**Written comments on DKL Holdings, Inc dba
Marana Regional Landfill
Permit #6133**

First and foremost; the Happy Acre 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 in 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.

Young, inexperienced and easily distracted teenage drivers should be protected prior to a catastrophic event taking place on this road. Your job is protecting the environment; our job is protecting our youth. We are mixing passenger vehicles with a high density of five to fifty ton haul vehicles prior to and during operation of this massive landfill.

Paramount to this goal is an active and well thought-out Track-out Provision, particulate monitoring on Avra Valley Road and Impartial Method 9 Observers.

Page 19 - 19 hours of operation for excavation is excessive to the surrounding community and drivers.

Page 21 - 5a to include existing roads.

Page 22 - 5f DKL will be responsible party for all excavating even if sub-contracted.

Page 22 - 6b and c to include wheel washers and paving.

Page 24 - Cla and b to specifically include Avra Valley Rd.

Page 25 - IVA1 and 2 make available quarterly to any neighboring representatives or associations-for review quarterly.

Page 25 - Cla to include a date.

Pima County Response: PDEQ takes pride in its active role in the protection of health and the environment and ensuring that both permitted and unpermitted facilities are complying with federal regulations. Based on comments received during our public comment period, PDEQ included additional requirements in the proposed air quality permit to reduce dust emissions associated with landfill traffic.

PDEQ's response to the suggested changes is as follows:

- a. **Page 19 - 19 hours of operation for excavation is excessive to the surrounding community and drivers.**

PDEQ evaluates operations of facilities based on the maximum possible operating hours allowed without exceeding federal, state and local standards including controls. MRLF is permitted to operate 24 hours per day except during mass excavation operations of Module IB when operations are limited to 19 hours as identified in the permit.

- b. **Page 21 - 5a to include existing roads.**

MRLF will be required in *Part B, Section 1, Landfill Operations, II Emission Limits/ Standards* (II.B.5.f) to remove any materials onto existing roads and will be required to street sweeping of the existing access road leading to the facility.

- c. **Page 22 - 5f DKL will be responsible party for all excavating even if sub-contracted.**

PDEQ does not distinguish activities onsite that are under common control of the permitted facility. DKL is held responsible for all activities onsite whether contracted or not.

- d. **Page 22 - 6b and c to include wheel washers and paving.**

PDEQ has included this requirement under the revised condition on Page 24 under C.1.a. Paving is an option that MRLF can make but PDEQ cannot currently require.

- e. **Page 24 – Cla and b to specifically include Avra Valley Rd.**

PDEQ cannot currently require this under PCC. There is a 1 mile road leading to the facility from Avra Valley road. In addition to controlling track-out this should address any dust issues on Avra Valley Road originating from the facility.

- f. **Page 25 - IVAI and 2 make available quarterly to any neighboring representatives or associations-for review quarterly**

Information is available at any time through a Public Records request submitted to the department.

- g. **Page 25 - Cla to include a date.**

PDEQ has included a date requirement under this provision.

4. Robert & Janet Sears – Marana, AZ

Concerned about

- a. **Air Quality – small dust, blowing papers and debris**
- b. **Ground water – how long will liner last**
- c. **Road maintenance – who will keep them up**
- d. **There are several homes in the area west of the landfill. Will the value of these homes go down because of the landfill?**
- e. **Environment – We don't like recyclable items put in the landfill. Everyone should have to recycle. There are already too many large trucks on Avra Valley Road and we are very much against more of them on these roads.**

Pima County Response: PDEQ

- a. **Air Quality – small dust, blowing papers and debris**

The proposed draft permit has conditions requiring dust control and maintenance of the facility so as not to cause air pollution from fugitive dust. *See permit condition in Part B, Section 1, II-Emission Limits/ Standards, B (Page 20)*. PDEQ has no regulatory air permitting authority to require that MRLF control blowing papers and debris. If necessary, PDEQ will require cleanups through the Illegal dumping program if it is verified that the MRLF is responsible. In addition, MRLF is required to follow other non-air related state and federal regulations that require control of landfill waste. This includes an Approved Municipal Solid Waste Facility Plan issued by the Arizona Department of Environmental Quality.

- b. **Groundwater – how long will liner last**

PDEQ has no permitting or enforcement authority over groundwater or landfill liner requirements. Groundwater protection requirements are enforced through the Arizona Department of Environmental Quality's Approved Municipal Solid Waste Facility Plan for the MRLF.

c. Road maintenance – who will keep them up

PDEQ's regulatory authority for road maintenance is limited to the area of control of the permit and therefore is limited to the facility's boundaries. The permit requires MRLF to maintain roads in *Part B, Section 1, II-Emission Limits/Standards, B.5 (Page 21)*. PDEQ is requiring that the MRLF reduce the occurrence of dust on roads and areas immediately outside the facility by reducing trackout in *Part B, Section 1, III-Monitoring Requirements, C.1.a. (Page 26)* Furthermore, MRLF's Approved Municipal Solid Waste Facility Plan issued by the Arizona Department of Environmental Quality requires further dust control requirements to include street sweepers on the road outside the facility leading to Avra Valley Road.

d. There are several homes in the area west of the landfill. Will the value of these homes go down because of the landfill?

PDEQ's area of expertise is limited to air quality regulations.

e. Environment – We don't like recyclable items put in the landfill. Everyone should have to recycle. There are already too many large trucks on Avra Valley Road and we are very much against more of them on these roads.

The region has various recycling programs in place for residents to utilize. The list of items allowed to be deposited in landfills is regulated by federal requirements and PDEQ has no authority to revise this list. PDEQ's scope is limited to air quality regulations and has no authority to limit trucks into the facility.

Mukonde Chama

From: [REDACTED]
Sent: Thursday, May 31, 2012 4:57 PM
To: Mukonde Chama
Subject: Public comments on the proposed landfill at 14805 West Avra Valley Road, Marana, AZ 85653

I cannot believe the City of Marana, did NOT send out public notice through the US Mail of the hearings this week.

PLEASE GIVE THESE COMMENTS TO THE APPROPRIATE PERSON.

I would appreciate a call at 520 [REDACTED] to tell me who I need to follow up with on this extremely important issue.

If I had not been home this afternoon, I would not have known anything about this! I had to learn about it on the Channel 13 news broadcast.

1. You cannot build a landfill in an area where thousands (true count) drive right by it at least twice daily at least 5 days a week. Do you not understand the amounts of elderly with health conditions we have living in this area of Avra Valley? I am 53, have lived out here since 1996. The air quality in the Valley is not good to begin with due to dust. People who have chronic illness plus asthma such as myself and many other residents cannot and will not put up with a landfill being put on a major thoroughfare, near the airport, a restaurant or next to a road that people take every day to work to the doctors to the grocery store etc... This landfill needs to be placed out miles from where people have built their homes of many years. Why don't you go N toward Redrock or EAST from I-10????? This is absolutely ridiculous! The company responsible for putting this in will NOT as no one else has been able to, control the odor or gases. I for one smell the gases and immediately get a severe asthma attack. I can say more but want to send this before 5p.m. It is now 4:57 p.m. Thursday, May 31, 2012.

Sincerely and with concern,

Jamie E. Mckay

[REDACTED]
Marana, AZ 85653
520 [REDACTED]

Jamie McKay

[REDACTED]
Marana, AZ



UNIVERSITY PHYSICIANS HEALTHCARE
Department of Pediatrics
P. O. Box 245073
1501 North Campbell Avenue
Tucson, Arizona 85724
(520) 626-7780
(520) 626-9465 FAX

University of Arizona Pediatric Allergy & Immunology Medicine Outpatient Clinic Note

In an effort to optimize rapid communication, this letter has been faxed but not read or signed. If the letter is different, you will be notified.

08/04/2010

RE: Williams, Michelle
MRN: 3394756
DOB: 10/08/1984

To whom it may concern:

I care for Michelle in our Pediatric Pulmonary Clinic because Michelle has cystic fibrosis. Cystic fibrosis is an inherited disease that Michelle has lived with all of her life. It causes her to have very thick, tenacious mucous in her sinuses and her lungs, which cause her to have recurrent problems with sinusitis and pneumonias. These infections cause damage to her airway and her lungs and eventually lead to lung damage and shorten her life. The average life expectancy for females with cystic fibrosis, at this point is, only 36 years.

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Sincerely,

Cori L. Daines, M.D. ID: 19015
Assistant Professor of Clinical Pediatrics
University Physicians Healthcare

CLD/TSI/kb

dd: 08/04/10

Annie Shellberg

[REDACTED]
Marana AZ 85653-9762
520 [REDACTED]

May 31, 2012

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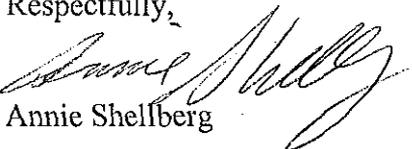
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Respectfully,


Annie Shellberg



**PDEQ Hearing: Marana Regional Landfill
Proposed Air Quality Permit**

Note: PDEQ will review all comments received during this hearing procedure, including oral and written comments.

In order to be notified of actions related to the Marana Regional Landfill Air Quality Permit or appeal the permit decision, your name and address must be provided as required under state law.

Date: 5-31-12

Name: ROBERT + JANET SEARS

E-mail: [REDACTED]

Phone Number: 520- [REDACTED]

Mailing Address: [REDACTED]

Marana, Ar 85653

COMMENTS: concerned about

- 1- Air quality - smell - dust - blowing papers + debris
- 2- ground water - how long will liner last?
- 3- Road maintenance - who will keep them up?
- 4- There are several homes in the area west of the landfill. Will the value of these homes go down because of the landfill?
- 5- Environment - we don't like recyclable items put in landfill. Everyone should have to recycle.
(over)

There are already too many large
trucks on Area Valley Rd & we
are very much against more of
them on these roads.

