



June 27, 2023

Randy Caton
Landfill Manager
Caton Limited Purpose Landfill
1251 Humphrey Road
Tieton, WA 98947

RE: YHD Complete Review of Caton Limited Purpose Landfill Renewal Documents
(HSW2018-00006).

Dear Randy Caton,

The Yakima Health District (YHD) has reviewed the updated permit renewal application that was submitted by John Hempelmann and Maxwell Burke, attorneys of Caton Limited Purpose Landfill (Caton LPL), on May 31, 2023. This letter outlines YHD's review of the May 31, 2023, updated permit renewal application along with reference to correspondence and comments from Washington State Dept. of Ecology (Ecology), Yakima Regional Clean Air Agency (YRCAA), and Yakima County Planning (YCP).

PERFORMANCE STANDARDS

The performance standards outlined in the Washington Administrative Code (WAC) are outlined in WAC 173-350-040 (3) and state solid waste handling facilities must *comply with all other applicable local, state, and federal laws and regulations*. Enclosure (1) describes Caton LPL is out of compliance with the permit issued by YRCAA. Enclosure (2) describes Caton LPL is out of compliance with the conditional use permit by YCP. Enclosure (3) identifies Ecology's determination that you are not in compliance with WAC 173-350. As a result, your renewal application is denied.

DUST CONROL PLAN

You submitted a Dust Control plan (identified as Exhibit 1 as submitted in the permit renewal application). This plan is required under WAC 173-350-400 (6)(a)(iv)(b), which allows YHD to require a modification to the Dust Control plan if deemed necessary. In general, the practices outlined in the plan are sufficient measures for dust control. The Dust Control plan is approved.

WASTE SCREENING

You submitted a Load Inspection Procedures (identified as Exhibit 4). Further screening of loads accepted at Caton LPL is required by YHD under WAC 173-350-400 (6)(a)(ii), which allows YHD to require a modification to the waste screening plan if deemed necessary. The Load Inspection Procedures is approved.

HEALTH & SAFETY

You submitted a Safety and Fire Response plan (identified as Exhibit 2). This plan is required due to the excessive fire activity previously observed at Caton LPL. The plan states that if steam or smoke is identified, Gastech tubes will be used for Carbon Monoxide (CO) sampling before notifying YHD. See response to section labeled *AIR MONITORING/YRCAA PERMIT*. There must be standard operating procedures in place for these kinds of sampling events. YHD must ensure that if these procedures are approved, the data provided can be relied on with quality control and assurance (QA/QC). The Safety and Fire Response plan is not approved.

In Exhibit 2, you failed to include language that YHD will be notified immediately (within 30 minutes) of any visual detection of steam or smoke. Because of the fire history at this facility, YHD reserves the right to require an investigation and additional sampling to identify the cause and extent of these events. The Safety and Fire Response Plan is not approved.

In Exhibit 2, the plan consistently states that a firefighting plan will be developed and implemented. YHD must approve any major firefighting plan. Language must be included to clarify that all specific fire response plans that address a specific fire event will be submitted to the YHD for review and approval. This must be included as a component of the Safety and Fire Response Plan. The Safety and Fire Response Plan is not approved.

You submitted supporting health and safety documents (identified as Exhibits 2, 5, 6, 7, 8, and 9) that are required under WAC 173-350-400 (6)(a)(x). The supporting health and safety documents need to be reorganized, sections labeled, and structured for completeness to ensure all local, state, and federal health & safety laws and regulations are met.

As a result of the Safety and Fire Response plan not being approved, the renewal application is denied.

ENGINEERING DOCUMENTS

You submitted engineering documents (identified as Exhibit 3). The engineering documents required by YHD under WAC 173-350-400 include landfill design, fill plan, and stormwater control. The documents submitted are based on an unapproved landfill boundary that does not reflect the approved landfill boundary set by its conditional use permit, issued by YCP. Additionally, Ecology has indicated these documents do not meet the WAC regarding the level of detail and design specifications required for engineered plans. See enclosures (2) and (3) and section labeled *PERFORMANCE STANDARDS* in this letter. Caton LPL is in violation of its solid waste permit due to this noncompliance. The engineering documents are not approved. As a result, the renewal application is denied.

AIR MONITORING/YRCAA PERMIT

You submitted a permit issued by YRCAA (identified as Exhibit 10). YRCAA issued a letter to Caton LPL stating the facility is out of compliance with its current YRCAA permit. YHD has confirmed with YRCAA that you are in violation of the current clean air permit issued by YRCAA, that was provided in Exhibit 10. See enclosure (1) and section labeled *PERFORMANCE STANDARDS* in this letter. It is the responsibility of Caton LPL to ensure it is operating within the legal bounds of all local, state, and federal laws and regulations. Caton LPL is in violation of its solid waste permit due to this noncompliance. As a result, the renewal application is denied.

You submitted a Gas Monitoring & Air Quality plan (identified as Exhibit 11) that is being required under WAC 173-350-400 (6)(a)(vii) based on recent gas sampling results. The monitoring locations are not shown via a site plan and must be pre-determined to ensure QA/QC. Reporting of sampling frequency and list of specific pollutants must be submitted to YHD. The plan does not describe quarterly reports that must be submitted to YHD describing the operating procedures, monitoring locations, providing calibration sheets, and data results etc. Reporting sheets are not provided that should describe weather conditions of reporting, field notes organized by date and time, information and signature of sampler, sample results, etc. Specifications for instruments being used are not provided. The Gas Monitoring & Air Quality plan is not approved.

Exhibit 11 identifies the use of summa canisters quarterly and designating a team to analyze the data. The individual, firm, or team conducting this sampling and analysis must be qualified and licensed professionals. This sampling effort requires its own sampling and analysis plan (SAP) with sampling methods, operating procedures, and QA/QC. The plan is deficient in details to ensure data collection and reporting is accurate, pursuant to WAC 173-350-400 (6)(a)(vii). The Gas Monitoring & Air Quality plan is not approved. As a result, the renewal application is denied.

FINANCIAL ASSURANCE

You submitted a 2023 Closure & Post Closure Costs (identified as Exhibit 12) and an Irrevocable Letter of Credit (identified as Exhibit 13), as required under WAC 173-350-600. Due to the engineering documents, landfill design and fill plan not being approved, an accurate calculation cannot be made for the required financial assurance amount, and the adequacy of the financial assurance cannot be determined.

FINAL COMMENTS

Your application for renewal of your solid waste permit to operate a limited purpose landfill is denied. **Caton LPL must cease all solid waste acceptance effective on July 1, 2023.**

Caton LPL has neither applied, received approval, nor received an exemption as a solid waste recycling facility. Caton LPL has strictly obtained a limited purpose landfill permit by YHD. The Caton LPL is not operating as a waste recycling facility. This denial will be effective immediately according to WAC 173-350-710 (7)(c).

Please notify YHD in writing within thirty (30) days of receipt of this letter of the intentions of Caton LPL operators to submit required documents that meet the WAC or enter closure of the landfill. If closure is the decision, Caton LPL is still responsible for completing total closure and post-closure activities as required by law.

If you have any questions, please contact shawn.magee@co.yakima.wa.us or (509) 249-6533.

Sincerely,



Shawn Magee, R.S.
Director of Environmental Health

cc: John Hempelmann
Yakima County Planning Division
Washington State Department of Ecology
Yakima Regional Clean Air Authority

Enclosures: (1) *Caton Demolition Landfill Operation and Permitting* from YRCAA to Caton LPL dated May 23, 2023.
(2) *Caton Landfill Boundary* from YCP to Caton LPL dated June 16, 2023.
(3) *Caton Limited purpose Landfill (permit #HSW2018-00006)- Review of permits dated May 31, 2023*, from Ecology to YHD dated June 23, 2023.