

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 the following:
- DTG adhering to the permitted setbacks, cutting DTG’s landfill capacity by 40%;
- YRCAA notified DTG in 2021 it did not have a valid air-operating permit for the PCS site, and subsequently DTG decided to get out of the PCS business altogether;
- DTG hired trash-pickers and put up barrier fencing to address litter problem;
- DTG conducted air quality assessments showing abnormally high levels of Toxic Air Pollutants and Volatile Organic Compounds coming from the landfill which led to...
- WA State Dept. of Ecology named 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](#));
- Regulators are requiring DTG to improve the groundwater monitoring system by drilling more wells and testing for more contaminants, including PFAS (starting in Sept. 2024).
- DTG’s founder, Dan Guimont, agreed to pay for damages done to neighbors’ homes caused by the Jan. 6th, 2022 blast;
- Greater adherence to the permitted operating hours of 6am to 6pm by DTG;
- In July 2023, the Yakima Health District refused to renew DTG’s landfill permit until they improved their air and groundwater monitoring systems, installed a liner for the new cell, and obtained a valid Air Operating permit from YRCAA.
- Worked with news media – 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 several 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. December 1, 2022, DTG was sold to Macquarie Asset Management, a global financial firm based in Australia.

3. What are or have been FORT’s concerns with the operational activities of DTG?

- Dumping of non-permitted waste (such as excessive plastic film, cardboard, furniture like a piano or lawn chairs cited in a letter from Ecology to YHD 11/23/21), recyclable materials (like semi-truck loads of gypsum that ended up in the landfill in winter of 2021) and wet or ground up waste (see letter from YHD to DTG 11/1/21) into the unlined landfill’s ‘Cell 1’ and temporary fill area. Also, dumping of septic tanks with ‘car wash residuals’ or ‘street sweepings’ resulted in odor complaints and confirmed by regulators (see Ecology’s Kimberlie Grieves, DTG Site Visit Log, “sewer like smell on the working face” Oct 8, 2021). Shortly after, DTG stopped accepting septic tank disposal.
- Toxic chemical odors & gasses coming from LPL and/or unlined PCS sites, have been strong enough to cause nausea and headaches as it drifts onto CCC, STAY, and WODFT trails and surrounding residential properties (see DTG ERTS complaints #704530 & #712290).
- 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. DTG was required to increase this amount substantially after regulators (see Ecology letters to YHD April 30, 2020 & March 29, 2020) and FORT (see neighbor letter to May 18, 2021) pushed the matter. While DTG eventually increased its financial assurance, FORT remains concerned about potential future liabilities from the Anderson and now DTG contaminated waste site with a history of suspect waste acceptance.

Neither Anderson nor DTG have records or evidence of turning away unacceptable materials or loads. With no change in facility operations (loose compaction and steep slopes hampered the MTCA investigation and fire remediation efforts) and the same site management team (Ian Sutton, Brooks Franklin) in place with YRCAA's approved increase in annual disposal to 1.0 million cy, FORT is concerned Cell 2 has the potential to become another MTCA site/landfill fire.

- Inconsistencies in DTG's reporting of amount of waste accepted. In annual reporting documents, DTG claimed 2021 disposal was 481,093 cy, yet in another document submitted to different regulators, DTG claims the total disposed was actually 542,025 cy of waste, creating a discrepancy in their 2021 annual reporting volume. In 2022, DTG disposed of over 700,000 cy, and has the YRCAA's Order of Approval to increase annual disposal to 1.0 million cy for Cell 2 when the YHD issues them a solid waste operating permit.
- In February, 2021, FORT independent thermal imaging suggested the presence of a landfill fire, which was suspected by regulators in 2022 (see Ecology email to YHD re DTG update, July 14, 2022) and confirmed by them in early 2023 (see LeMond's Ecology Technical Memorandum to Rivard, January 20, 2023, YHD letter to DTG re YHD air emission monitoring requirement of DTG LPL due to recent site visits, Feb 2, 2023). The landfill fire remains a concern (see Ecology letter to DTG re LRI Work Plan for the Anderson Landfill, August 23, 2024) which states: *Ecology has determined that the soil cover placed for fire suppression has not been effective in extinguishing the fire and the fire delineation efforts made to date by the PLP are inadequate. While fire suppression efforts to date have reduced some near surface fire activity, these efforts have proven to be ineffective at depth. The presence of a poorly defined subsurface fire in the waste is untenable and represents an unacceptable threat to human health and the environment.*
- Following Yakima Herald Republic press coverage in the autumn of 2022, DTG engaged in harassment activities toward neighbors. DTG representatives, after being rebuffed by the Coyote Canyon Homeowners Association in their attempts to have some East Mountain Investments properties admitted for development into the association, called neighbors to inform them that DTG planned on building farmworker housing on these parcels and wanted to give neighbors an opportunity to purchase the land instead. No evidence of such a building project exists, to our knowledge. When FORT was engaged in legal drone activity over a neighbor's property, DTG called the Yakima County Sheriff's Dept to send a deputy to the neighbor's home, twice. In November 2022, trail users were approached by a DTG employee asking about the identity of one of the neighbors, saying that they had the neighbor's wallet. This neighbor, who had taken the same daily walk for years, was later followed by a DTG employee, and told they were trespassing on DTG property. DTG said nothing about a wallet, because no wallet was ever missing. This neighbor has rerouted her walk. This incident occurred shortly after the Yakima Herald reported Ecology was proposing to find DTG a liable party under MTCA for toxic air emissions coming from the landfill (10/22/22) and further reporting that YHD told DTG to clean up the area and halt after-hours night-time work.
- After hours operations (numerous observations by neighbors of trucks entering and exiting the facility outside of operating hours, dumping after hours on two nights in April 2020, and truck staging/idling at night) creating a noise nuisance, and casting suspicion on company motives with potential risks to human and environmental health. DTG's compliance with its operating hours has improved since Yakima County Planning sent DTG a letter in the fall of 2022. The only time DTG operates outside of its permitted operating hours currently is when one of its subcontractors is crushing gravel. We are in ongoing negotiations with local regulators to iron out this last piece of operating hours compliance.
- Potential groundwater contamination from these unlined facilities on Rocky Top; demolition waste pits (no monitoring wells), PCS remediation site (which required 3 monitoring wells that have not yet been installed) and limited purpose landfill that disposed of 743 cy of PFAS contaminated soils from the U.S. Army Training Center in Selah between 2004 and 2006 (see Ecology letter to YHD, January 19, 2023).

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, long haul vehicles not stopping for load inspection or weigh-in on entry, 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 (ERTS #704530 & #712290).
- 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 yd³ is 180% more than 2020, and far above DTG’s estimate to regulators of just a 2% increase. In 2022, disposal increased further to over 700,000 cy. For perspective, annual disposal averaged about 160,000 cy between 2009-2019; under DTG disposal averaged over 450,000 cy between 2020-2022. According to a memo from LCFI, DTG’s fire consultants May 9, 2023 the landfill’s steep slopes and loose compaction is compromising fire remediation and presents risk to DTG workers:

It is apparent that due to steep side slopes and poor (air pervious) soil cover, conditions at the DTG site were ideal for spontaneous combustion to develop. Spontaneous combustion is a gradual heating reaction in the presence of oxygen that leads to exothermic chemical reactions, generation of heat, release of intermediate VOC reaction gases, and ultimately to initiation of fire.

A measurement of the slopes, as depicted in Photo 1, revealed that the grade below the lower bench was very steep, at -70% which is equivalent to 1.42H to 1V.

Photo 2. Slopes in Problem Area, note very steep slopes below lower bench and settlement crack. Water application should not be considered as it will be ineffective given the depth of the waste and the very steep slopes.

LCFI concludes that the current fire situation is concerning given the rapid escalation of temperatures and CO concentrations, combined with the very steep slopes at this site. Given that pyrolytic chemical reactions have been occurring for over one year, it is apparent that a substantive amount of waste has been thermally converted to char and tar that is presently at high temperature. A ground collapse could expose this readily flammable material to oxygen and result in very rapid growth of this fire.

With side slopes as steep as 1.5H:1V or steeper, the risk of slope failure at this site is high. Awareness of potential slope failure will be critical for all workers on this project.

The risk of equipment roll-over will be very high on this project given the very steep slopes currently involved and the unstable ground.

NOTE: DTG Fire consultants suggest the fire is likely the result of spontaneous combustion, but don’t claim to know where it started. When oxygen enters a landfill, it can speed up decomposition and cause a fire. This can happen if the landfill is poorly designed or if air is trapped in the waste. The porous construction of Cell 1 under Anderson and DTG has created a problem for fire remediation efforts because of the amount of oxygen present throughout the landfill. Also DTG was approved to dispose of ‘green waste’. Organic material can be difficult to compact and adds biodegradable feedstock that when combined with C&D waste is known to increase the development of harmful landfill gasses (methane & hydrogen sulfide) and risk of fire. Without more data, it’s speculative to assume where the landfill fire began or how long it’s been burning. More importantly, because of DTG’s slow progress on fire remediation, in August 2024 Ecology required installation of more gas probes and thermistors to further delineate the depth and width of the fire.

- 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 yd³ from Canada. In 2022, 499,335 cy - over 70% of the C&D waste disposed on Rocky Top that year - was from King and Pierce counties.
- A team of hydrogeologists 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. After years of delay, in 2024 DTG finally drilled six new groundwater wells to establish a compliant monitoring system. There are no groundwater monitoring wells for the 30+ year old PCS remediation site as required by permit documents.

- 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.
- In early 2023, Ecology and the Yakima Health District confirmed the presence of a landfill fire in the MTCA site area. This forced Ecology to pause the MTCA site investigation until spring 2024. DTG’s long history with Anderson and decision to be named the sole ‘Potentially Liable Party’ (PLP) in the MTCA Agreed Order with Ecology for future site cleanup, groundwater contamination, landfill fires, etc. is a gamble DTG accepted.

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 2 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.
- FORT members have made significant public comments on DTG permit applications.
- FORT has contributed public comments to a variety of state and local regulatory agencies regarding Construction and Demolition waste, landfill methane emissions, and recycling policies with regard to DTG activities.
- In 2024, FORT filed a legal appeal to the YRCAA’s decision to grant DTG an Air Operating Permit.
- Responded to a 12-page cease & desist letter from DTG’s counsel, Perkins Coie, clarifying FORT’s statements on its website, in the media and correspondence.

6. What have state and county regulators done?

Although government regulators were initially slow to respond to our concerns, they are more engaged now. DTG is inspected more frequently. YHD, Yakima County Planning, 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, ground up, or plastic film waste, municipal solid waste, and disposal of recyclable materials, and requiring DTG adhere to permitted operating hours. In 2020-2021, DTG was operating the PCS site and working with YRCAA to obtain an Air Operating Permit. By 2022, Friends of Rocky Top learned that DTG had agreed not to accept any more PCS and was abandoning its efforts to obtain the permit from YRCAA. In July, 2023, the Yakima Health District declined to renew DTG’s landfill operating permit, thus shutting down the landfill operation until DTG obtains new permits. DTG continued to work with YRCAA and obtained their Air Operating Permit for the LPL in the fall of 2023. Friends of Rocky Top has appealed the

YRCAA decision arguing a new SEPA needed to be done before issuing the permit. This case is still ongoing.

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 2022, DTG acquired Olympic Organics, and then purchased 4 more recycling or trucking companies, so they must have had some money in their bank account.) Perhaps they didn't want to flag a problem at the landfill during negotiations with equity investors that summer? Remember, DTG was acquired by Macquarie Asset Management Dec. 1, 2022. By November 2024, DTG had drilled 7 new groundwater monitoring wells. They have applied more ground cover to the areas venting toxic gasses. This has reduced the odor issue a little, but 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 also hired a more experienced landfill manager, but had to lay that person off when the landfill lost its permit. DTG has been working with a landfill fire consulting firm to address the landfill fire. The strategy is similar to the one used for addressing the odor - pile more soil on top of it. In order for DTG to get its heavy equipment into place to fight the landfill fire, DTG had to purchase 15 acres from one of the neighbors because Anderson/DTG created too steep of a slope and the heavy equipment wasn't safe to operate. DTG has agreed to move the MRF to a permanent location (the current PCS site), which would have an impervious floor and leachate collection system, but they cannot do that until they take care of the petroleum contaminated soils currently residing at the location.

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!** The ERTS complaint form no longer accepts photos or video, but in your text, let them know you HAVE a photo or a video and someone from Ecology will email you requesting that you send them that evidence as an email attachment.
- **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 or (360) 789-2772, or Nancy Lust at 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.