



BOARD OF YAKIMA COUNTY COMMISSIONERS

Regular Meeting
Work Session

Monday, September 19, 2022, at 9:00 am
BOCC Conference Room, Room 232, 128 N 2nd Street, Yakima, WA 98901 or Zoom

9/19/2022 - Minutes

1. CALL TO ORDER

Meeting Called to Order at 9:00 a.m.

PRESENT: Commissioner LaDon Linde, Commissioner Ron Anderson, Legal Counsel Don Anderson, Clerk of the Board Julie Lawrence, Public Services Director Lisa Freund, Planning Official Thomas "Tommy" Carroll, Financial Services Director Craig Warner, and guests.

2. PUBLIC COMMENT

Dr. Sara Cate (via Zoom) shared her concerns about the DTG landfill. She acknowledged that everyone has the right to use their own land, but asserted that they still shouldn't be allowed to infringe on their neighbors' rights to clean air and water. She stated that DTG has been breaking rules, and has even broken through the clay barrier, putting groundwater at risk for contamination. She asked the Board to be diligent about enforcing the rules in this situation.

Nancy Lust (in person) of Friends of Rocky Top (FORT) outlined the efforts she and others have taken to work with the County via Public Services to address the problems with DTG. She expressed hope that Planning Official Tommy Carroll would be able to give an update regarding his progress in this matter. She also asked the Board to consider instituting an out-of-county tipping fee to prevent Yakima County from becoming "the trash bin for the West Side". She asserted that such a fee could help offset the costs of regulating landfills.

Randy (in person) provided additional detail about the "horrific" odors surrounding DTG, often permeates his house. He shared that he could often hear and see trucks onsite late at night and into the early hours of the morning. He further voiced his concerns about contaminated well water, as well as the lack of oversight of what is being dumped at the landfill (municipal waste and wet waste in what is supposed to be dry fill). Finally, he questioned why there does not appear to be a designated forum for public comment about business expansion.

Carol (in person) spoke about finally hiring a consultant (Scott Cave from SC Communications) to help address the problems with DTG. She added that DTG has started putting metal containers in place instead of using a vegetative buffer. Pictures were provided, showing the surrounding landscape.

Jean Mendoza (via Zoom Comment) stated that the Yakima Regional Clean Air Agency should investigate odor complaints, and ought to be making trips to the site and documenting the odor.

3. PUBLIC SERVICES (15 Minutes)

Lisa Freund stated that Public Services is responsible for land use approval and code enforcement for DTG. Yakima Health District and State Department of Ecology responsible for comment and respond to some of

the items of concern. She proceeded to provide some background information on the history and expansion of DTG in the area. She noted a newspaper article that questioned why was the landfill sited next to the Cowiche Canyon Conservancy and residential neighbors; Lisa verbally responded that DTG actually predates the conservancy and the neighbors, but added that it doesn't mean DTG's activities should proceed unhindered. Lisa finished by confirming that Code Enforcement has gone out to the site a number of times within hours of complaints – at least four times in this last year – but did not find violations at that time. However, these findings are only on behalf of the County – not the Health District or the Department of Ecology, which have other guidelines and areas of authority.

Tommy Carroll then spoke and acknowledged that he had not updated Nancy Lust yet, but he had reached out to John Martin to get a blasting notification plan. In talking with Legal Counsel Don Anderson, it was determined that the Planning Department had not been thorough in carrying conditions over from one permit to the next over the years. The difficulty is that some of these conditions dealt with the mining operation, and some dealt with the landfill. However, preexisting conditions would still be in effect for later permits. He noted that there are also some conflicting time frames for permissible work vs. hours of operation. As for vegetative buffer, Tommy doesn't have any documentation that this was ever addressed by the Planning Department. In summary, Tommy identified the three major problems as: hours of operation, blasting notification, and vegetative buffer. He offered to send Nancy the information he has gathered so far.

Commissioner Linde asked if the toxic smell would be under the purview of the Health District or Ecology. Lisa responded that Code Enforcement has responded to odor complaints alongside the Health District. Tommy clarified that Code Enforcement is supposed to notify the Health District of any odor complaints; review and inspection of what is being dumped at the landfill is also the Health District's responsibility.

In response to Commissioner Linde's question about cameras, Celisa Hopkins (present in person) stated that she was informed by DTG that there was never any intention that camera footage would be made available to the public showing what was being dumped – only footage of the parking lot.

The commissioners thanked everyone for attending and providing comment and confirmed that the discussion and fact-finding would continue.

4. COMMISSIONER UPDATES/ GENERAL DISCUSSION

The Commissioners gave updates on individual committee/board assignments for the week of September 12, 2022-September 16, 2022.

5. NEW BUSINESS

1. Craig Warner gave an update on his progress of drafting an agreement with Clifton Larson Allen LLP for their expertise in reviewing ARPA applications. He stated that he has been working with Legal Counsel Dan Clark, trying to finalize some of the contract language that was in dispute. For the sake of time and efficiency, Craig requested that the Board add a resolution to the Regular Agenda Meeting on Tuesday, September 20, 2022, authorizing him to sign the agreement with Clifton Larson Allen as soon as it is finished.

Resolution 242-2022: In the Matter of Authorizing the Financial Services Director of Yakima County to Sign an Agreement with Clifton Larson Allen LLP for Services Related to the American Rescue Plan Act Funds.

Fiscal Impact: Not to Exceed \$30,440.

Commissioner Anderson MOTION: To Move Resolution 242-2022 to Tuesday's Agenda.

Commissioner Linde SECOND

Motion Passes.

2. Don Anderson stated that, like Yakima County, other counties across the state are still waiting for a Native American representative to be appointed to the Board of Health. Commissioner Linde shared that in his conversations with the Tribe, they stated that they had not yet heard from the American Indian Health Commission. Commissioner Linde confirmed that he will follow up with Chairman Delano Saluskin. Don added that he would also get in touch with the Tribe's legal counsel, Ethan Jones.

6. ADJOURN

Commissioner Anderson MOTION: To Adjourn

Commissioner Linde SECOND

(Commissioner McKinney EXCUSED.)

Motion Passes to Adjourn. Meeting Adjourned at 10:12 a.m.

All work sessions are recorded and will be available to view on the BOCC website at <https://www.yakimacounty.us/AgendaCenter/Board-of-Commissioners-2>

APPROVED DATE

DATE/Minutes