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RE: Park County Environmental Council's comments on EIS scoping notice for Adkins Class III Monofill, Pray, MT

Dear Ms. Lane,

First, we would like to thank you for the hard work that you do for the state of Montana on behalf of the Montana Department of Environmental Quality ("DEQ") and the people of Montana. Thank you for visiting Livingston, MT, and meeting with our community on May 28, 2019, to discuss potential impacts from the proposed Mike and Magdalena Adkins ("Applicants" or "Adkins") Class III Monofill facility at 19 Chicory Rd., Pray, Montana ("Monofill"). We appreciate your time and consideration on this important matter.

The Park County Environmental Council ("PCEC") respectfully requests that DEQ's Solid Waste Management Department coordinate with other DEQ divisions and state agencies to carefully consider comments on this application and to take a hard look at potentially significant environmental impacts to our community, our land, our air and our water from the Monofill.

Montana DEQ is “charged with protecting a clean and healthy environment as guaranteed to our citizens by our State Constitution.” Montana Department of Environmental Quality Home Page, <http://deq.mt.gov/> (last accessed July 4, 2019). The DEQ is tasked with implementing this clear constitutional mandate, which includes a fiduciary responsibility to future Montanans. Mont. Const. art II, § 3. Further, DEQ’s “goal is to protect public health and to maintain Montana’s high quality of life for current and future generations.” We respectfully request your continued attention to these goals, and we hope that we can work together to protect Montana communities and to inform Park County residents on how they can engage meaningfully in the environmental decision making process.

DEQ must take a hard look at the environmental impacts from the Monofill before moving forward with permit approval. Mont. Const. art II, § 3. DEQ has the responsibility to examine the potential significant environmental, cultural, and economic impacts of the Monofill. To that end, we respectfully request that DEQ delay it’s work to prepare an Environmental Impact Statement (EIS) until Adkins has submitted an updated application that includes details about his intentions to operate a recycling facility on site, and any related changes in storage, management, capacity or disposal of tires commensurate with Adkins’ new proposal.

DEQ and the public lack adequate information to make an informed decision about Adkins’ Monofill proposal because the application on file is stale. DEQ must request an updated application that details Adkins’ current plan of operations, including any proposal to shred and recycle tires. Absent this information, DEQ cannot conduct a “thorough, honest, unbiased, and scientifically based full disclosure of all relevant facts concerning impacts on the human

environment that may result” from approval of Adkins’ application. MCA §75-1-201(1)(b)(iv). Ultimately, DEQ has a fiduciary responsibility to ensure that future Montanan’s are not strapped with environmental messes and taxpayer cleanups from DEQ’s permitting decisions. Mont. Const. art II, § 3.

Park County Environmental Council

The Park County Environmental Council is a community-based conservation group working to protect Park County’s air, water, wild lands, wildlife and people. We have approximately 500 members and more than 2,000 supporters. PCEC has been working to protect and preserve Montana’s vast natural resources since 1990. We are a countywide grassroots group, and we focus exclusively on issues affecting Park County, MT. PCEC works through advocacy and education to preserve and restore the county's world-class rivers, diverse wildlife, landscapes, outstanding natural beauty, people and way of life.

Initially formed by a small group of community members, PCEC has grown over the years and now works on issues related to the Yellowstone River, public and private land management and community engagement and values. Our three program areas are Healthy Rivers, Wild Backyard and Sustainable Communities. The proposed Monofill in Pray, MT, impacts all three of PCEC’s program areas.

The proposed project location sits approximately one-half mile from the Yellowstone River, and one-third mile from Mill Creek, in a heavily populated area in the Paradise Valley. The communities of Pray and Chicory are also within a mile of the project area. PCEC submits these comments on behalf of our members across Park County, but importantly, on behalf of our members that live and work in Paradise Valley. We are concerned about environmental

degradation, and public health impacts to community members living in close proximity to the project area.

The Monofill will significantly impact our community, our economy and our public health in Park County.

Montana Environmental Policy Act

The development of a Monofill constitutes a state action and triggers the Montana Environmental Policy Act (“MEPA”). Mont. Code Ann. 75-1-101—324 (2009). One of MEPA’s primary purposes is “to promote efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of humans.” Id. § 75-1-102(2). MEPA does so by requiring State decision makers to fully examine the impacts of proposed actions and to evaluate alternatives that may reduce or avoid those impacts. Id. § 75-1-201. In this way, State decision makers may fulfill their constitutional obligation to prevent unreasonable environmental degradation. See Mont. Const., Art. II, sec. 3; Id. Art. IX, sec. 1; see also Mont. Code Ann. § 75-1-102 (MEPA intended to implement State’s constitutional obligations with respect to environmental protection).

Scope of Monofill Facility and Connected Actions

Much uncertainty still remains as to Adkins’ intentions with the Monofill. The Applicants have stated on the public record their intention of shredding tires and building a recycling facility at the permit site. The permit application, however, and DEQ records lack any information about a recycling facility and related environmental impacts. *Landowner: Tire dump proposal misunderstood*, Enterprise Staff, Livingston Enterprise, August 15, 2014, available at:

<https://www.livingstonenterprise.com/content/landowner-tire-dump-proposal-misunderstood>; see

also *Addressing concerns on tire project*, Mike Adkins, Livingston Enterprise, October 9, 2012, available at <https://www.livingstonenterprise.com/content/addressing-concerns-tire-project>. The application fails to address environmental impacts of recycling on site. The Applicant has failed to present a business plan, or a plan of operations. If the Applicant intends to develop a recycling plant on site in conjunction with the Monofill, DEQ must full evaluate any related environmental impacts in the EIS. This is a connected action that could have additional significant environmental impacts.

MEPA directs DEQ to evaluate connected or cumulative impacts in its review: “Cumulative impacts” means the collective impacts on the human environment within the borders of Montana of the proposed action when considered in conjunction with other past, present, and future actions related to the proposed action by location or generic type. [MEPA, 75-1-208 (4)].

Adkins’ future recycling plans constitute a “future action” that must be fully considered prior to DEQ’s permit approval. DEQ and the public must fully understand and review any potential action at the facility and evaluate potential impacts on the environment and public health that result from a monofill site and a recycling facility. Neither PCEC nor the DEQ can adequately evaluate the nature of this proposal without full and accurate information about the project proposal included in the permit and analyzed in the EIS. Adkins claims to have a pending patent for his proposed recycling facility that is unavailable to the public -- Adkins complete plans must be included in the permit application and reviewed in the EIS.

I. Adkins must submit a new application.

Adkins must submit a new permit application based on the significant passage of time since the original application was submitted in 2011, supplemental information submitted by the Adkins' consultant in 2014, changes to the Application and plan of operation discussed publicly by Adkins to include recycling, and changes in groundwater conditions based on new homes constructed in the vicinity since 2011. MCA § 55-1-220(3), see also *Rubber match: Paradise Valley tire dump battle resurfaces*, Michael Wright, Bozeman Daily Chronicle, June 23, 2019. DEQ must require submission of a new application pursuant to the Solid Waste Management Act. MCA § 75-10-221(5). Adkins submitted the application for a Class III Monofill on June 3, 2011, more than eight years ago. Park County District Court required that DEQ revise the EA and conduct an EIS before permitting the project. Adkins sent updated permit information on May 19, 2014, for the purposes of the revised EA. The revised EA and any subsequent analysis have not been made available to the public. Therefore, Adkin must submit an updated permit application for the purposes of informing the new scoping period and subsequent EIS. *Id.*

Furthermore, because DEQ and the public do not have an updated application that details Adkins current plan of operations, DEQ cannot conduct a “thorough, honest, unbiased, and scientifically based full disclosure of all relevant facts concerning impacts on the human environment that may result” from approval of Adkins’ application. Without an updated and “complete application” and plan of operation that details what the Adkins proposed monofill for the disposal of waste tires will actually entail, DEQ cannot determine “the environmental impact of the proposed action” or “any adverse effects on Montana's environment that cannot be avoided if the proposal is implemented.” MCA §75-1-201(1)(b)(iv).

II. DEQ must take a hard look at environmental impacts from the Monofill and related actions.

An agency must take a hard look at the environmental impacts of a given project or proposal. *Ravalli Cty. Fish & Game Assn., Inc. v. Mont. Dept. of State Lands*, 273 Mont. 371, 377, 903 P.2d 1362, 1367 (1995). Implicit in the requirement that an agency take a hard look at the environmental consequences of its actions is the obligation to make an adequate compilation of relevant information, to analyze it reasonably, and to consider all pertinent data. *Ravalli Cty. Fish & Game Assn., Inc.*, 273 Mont. at 381, 903 P.2d at 1369 (1995) (citing *Sierra Club v. U.S. Army Corps of Engrs.*, 701 F.2d 1011, 1029 (2nd Cir.1983)). We urge DEQ to take a hard look at the following potentially significant impacts from the Monofill.

Historic and Cultural Resources.

DEQ must consult with the State Historic Preservation Office and the Tribal Historic Preservation Office in order to consider potential significant impacts to cultural resources on this site. Many historians in our community regard the Mill Creek area as rich with cultural and historical artifacts. Unfortunately, DEQ and the Applicant have failed to address whether any cultural resources exist.

Wildlife Impacts

The EIS must examine potentially significant impacts to wildlife. The Mill Creek drainage is also a well-known wildlife corridor in the Paradise Valley. Many species migrate from the Gallatin Range through the valley to the Absaroka-Beartooth Mountains. Anecdotal and scientific evidence clearly establish this area as a key corridor for wildlife migration across the

valley floor. Many species migrate across the Paradise Valley including elk, deer, pronghorn antelope, grizzly bears, Canada lynx and wolverines.

The Greater Yellowstone Ecosystem is one of the largest blocks of wolverine habitat in the contiguous U.S. and connectivity in the GYE and to other areas is key to wolverine persistence in the contiguous U.S. According to a research study included in these comments, the Paradise Valley provides one of the most important corridors for wolverine dispersal. Inman R.M., Bergen, S., & Beckman, J.P., *Wolverine Connectivity in Greater Yellowstone: a Circuitscape Analysis at the Metapopulation Scale*, 7 (Wildlife Conservation Society, 2013). DEQ must consider impacts to threatened species like the wolverine and federally protected species including the Canada lynx and the Yellowstone grizzly bear for any proposed action in significant wildlife corridors.

Public Health.

DEQ must address significant impacts to public health and safety from the operation of Monofill and any potential related facility. The proposed Monofill is mere yards from residential homes and less than one mile from Arrowhead School. When DEQ prepared the environmental assessment, at least 91 domestic wells wells existed very near the proposed Monofill, and there have been at least 15 new addresses created within a mile of the proposed Monofill since 2012. Industrial development in a residential area has the potential to significantly impact public health and safety. Local air quality concerns could impact our most vulnerable populations, the elderly, children, and expectant mothers. Dust can travel long distances in the windy Paradise Valley and could have far-reaching impacts to local families and to the pristine waters of the Yellowstone River.

The proposed Monofill could also pose a risk to human health because of disease transmission, through animals and insects, such as mosquitoes and pests. DEQ should examine the risk of disease transmission, including West Nile Virus, and examine the effectiveness of mitigation strategies such as the application of a cover and other controls.

Public Safety.

DEQ must examine the ability of local governments to respond to potential public safety hazards that result from the Monofill. DEQ has an obligation to review the Monofill's impact on local government services and public safety. Already, Park County's emergency services are stressed to the point where the Park County Rural Fire District No. 1, which would service the Monofill, had to put out for an extra mill levy, and so did the Livingston Fire and Rescue, which would also service the Monofill. The most recent mill levy to fund emergency services failed in 2018. As a result, the local government is severely strapped to manage current conditions, and certainly not prepared to manage expanded fire risks from the Monofill.

DEQ also must review the impact that increased traffic would have on public safety. According to the Draft EA, the Monofill would require 20 truckloads each day. At the moment, there are five large truck trips per day on East River Road and zero on Mill Creek Road, according to the Montana Department of Transportation. DEQ should also consider any alternatives that would limit traffic, especially considering East River Road has many school zones and bus stops.

Millions of tourists travel on Highway 89 and East River Road to visit Yellowstone National Park and the Custer Gallatin National Forest. Industrial traffic on Highway 89 and East

River Road could create a safety risk to visitors to our community and local residents that regularly travel on Highway 89.

Economic Impacts.

DEQ has a fiduciary responsibility to ensure that the applicant has the financial resources to implement the plan of operations and adequately clean up the Monofill once operations cease. Already, three tire monofills exist in Montana. The Monofill would be able to hold up to 25 million tires, which is much more than the state produces annually, and DEQ needs to take into consideration current circumstances and evaluate whether there is an adequate need or market for the Monofill. Likewise, given that the Monofill has the capacity to intake imported tires, DEQ must examine any threats from imported tires from across the United States and related risks from invasive species that might enter Montana on imported tires.

Additionally, DEQ must carefully consider impacts to Park County's local economy, including the effect that the Monofill would have on other businesses. The proposed project area is located within one of the most important tourism corridors in Montana -- the northern gateway to Yellowstone National Park. Travel to Yellowstone through our gateway communities and agricultural production in the Paradise Valley drives our local economy. Noise, dust, traffic, and pollution from industrial development in Yellowstone's gateway significantly threatens both tourism and agriculture, and therefore threatens our local economy. A recent study by the Yellowstone Gateway Business Coalition clearly demonstrates that Park County's economic drivers could be negatively impacted by industrial development in our community. *See*, O'Connor Center for the Rocky Mountain West, summary by Dr. Larry Swanson, *Park County's*

Growing Economy, http://dontmineyellowstone.com/img/YGBC_EconomicReport_WEB.pdf
(last accessed July 5, 2016).

DEQ must also examine potential impacts on property values. In comments on the draft EA, there seems to be some disagreement over the best way to measure impacts on property values. Ninety-one addresses are located within one mile of the Monofill and 15 new addresses have been added since 2012. DEQ should rely on professional appraisals who have conducted property value studies to inform any related analysis.

According to *Property Values*, a publication put together by the Center of Health, Environment & Justice, it is clear that a landfill of any type has significant impacts on local communities and landowners.

<http://chej.org/wp-content/uploads/Property-Values-PUB-0291.pdf>

Water Availability.

DEQ must ensure that Adkins have a valid water right to meet the needs of the development. The Yellowstone River and its tributaries have not been finally adjudicated. An industrial operation like the permit outlines does not constitute a historic use for the purposes of determining water rights. Neighbors have water claims dating to the late 1800s. The Application fails to address impacts to water rights. DEQ must consult with Montana's Department of Natural Resources and Conservation (DNRC) to ensure that any new development comports with Montana water law.

Adkins owns four groundwater wells on the property, all of which are permitted for domestic use only. A change of use application with the DNRC would be required for each well if it were to be used for the Monofill. Additionally, if those four wells were to be used for the

Monofill it would be considered a combined appropriation and be in violation of current Montana law. “Groundwater developments need not be physically connected nor have a common distribution system to be considered a “combined appropriation.” (http://dnrc.mt.gov/divisions/water/water-rights/docs/new-appropriations/Combined_Appropriation_Guidance). DEQ must consult with Montana Department of Natural Resources before permitting the Monofill.

DEQ will need to thoroughly address the impacts on area groundwater, and the potential effect on neighboring wells with respect of the new use at the Monofill. A comprehensive water budget for use at the Monofill is needed in order to understand how this new water development will change the dynamics of the area groundwater resource. The water budget must include any water requirements necessary to respond to a potential fire at the Monofill.

Current conditions

DEQ needs to examine the current conditions of the tire pit, as it has previously been used as an illegal dump, containing 280 tons of scrap iron steel tanks and other metals; more than 1,500 waste tires, 50 pieces of old construction equipment and farm equipment, 30 pieces of old farm tractors, farm equipment and construction equipment, 30 pieces of old trucks, 50 pieces of out-of-service construction trucks; 200 wrecked and out-of-service automobiles and 50 tons of construction debris and mobile trailer units.

Adkins has been previously cited for being in violation of the Solid Waste Management Act, and there have been three complaints filed against Adkins since 2010, when he was found to be in violation of the law. Adkins entered into voluntary cleanup and has addressed the issues, but DEQ needs to examine whether there are any long-term effects caused by the site’s previous use as an illegal dump.

Water Quality.

The Applicant must demonstrate appropriate protection of off-site surface water and groundwater from adverse changes in quality and quantity likely to result from the Monofill. See, Section 82-4-434(3)(1), MCA. Further, the EIS must include groundwater monitoring plans, and DEQ must assess the sufficiency of those groundwater monitoring plans. See generally ARM 17.50.1301 through 17.50.1312. Neighbors living near the project site are concerned with impacts to their wells and to their surface water rights. Everyone is concerned with potential impacts to the Yellowstone River.

DEQ must consider impacts from potential spills on the project site into neighboring properties and the Yellowstone River. The project site lies less than one mile from the Yellowstone River. Extreme weather events and heavy rains can cause settling ponds, like the Monofill will create, to overflow and flood into nearby waterways, potentially impacting the Yellowstone River. DEQ must address prevention, minimizing or mitigation of adverse impacts to off-site surface and groundwater, including: changes in groundwater flow patterns, changes in groundwater levels, and, new consumptive loss of ground water through evaporation.

Land uses within 1,000 feet of the proposed Monofill are pasture/rangeland and residential. Significantly, the project lies within one-half mile from the Yellowstone River, one of the most important navigable rivers in Montana. The Yellowstone River is not only a world-renowned trout stream, but it provides clean water to ranchers, farmers and communities downstream. The Yellowstone River and its fish constitute an invaluable and irreplaceable resource and an important economic driver in Paradise Valley. The Yellowstone River fuels two of Montana most important industries: tourism and agriculture.

DEQ must consult with Montana Fish Wildlife and Parks regarding potential impacts the aquatic ecosystem and related species in the Yellowstone River. In 2016, an outbreak of the PKD parasite caused an unprecedented fish kill, with hundreds of trout and thousands of mountain whitefish succumbing to the kidney failure caused by the parasite. Montana Fish Wildlife and Parks (“FWP”) closed 180 miles of the river in response, largely because of the enormity of the disaster and from a lack of knowledge and data on PKD. FWP has learned much in the years following the incident, but still cannot pinpoint the reasons that precipitated the fish kill. The fish kill made one thing crystal clear -- the Yellowstone is the lifeblood of this community. The section of the river hit hardest by the PKD outbreak was mid-valley, in the reach up and downstream of Mill Creek, which makes the location of the Monofill especially concerning.

DEQ must consult with FWP before permitting any new industrial facility that has the potential to impact the headwaters of the Yellowstone River, further exacerbating risks to aquatic species. The PKD incident was years after the initial proposal for the Monofill, but it is now a very real issue that DEQ needs to address with respect to any and all groundwater and surface water investigations related to the Monofill.

Studies show that waste tires can leach toxic substances into the soil and groundwater. The facility is only 70 feet above the elevation of the Yellowstone River and the proposal suggests that it would be excavated to a depth of 60 feet. The bottom of the pit would only be 15 feet above the elevation of the river and only 30-40 feet above an alluvial aquifer containing groundwater flowing in the direction of the confluence of Mill Creek and the Yellowstone River. The soil under the pit has a “high permeability” according to the DEQ’s EA. There are 91 wells within one mile of the project, including one just 500 feet away.

In order to monitor changes to Yellowstone River water quality and predict impacts of land use changes to water quality, DEQ must establish baseline data on flow regimes and nutrient levels. Despite the importance of and concern for the Upper Yellowstone Watershed, existing flow data is sparse and nutrient data is virtually non-existent. RiverNET -- a community science monitoring effort launched by local partners including the Yellowstone Ecological Research Center, Upper Yellowstone Watershed Group, Park County Environmental Council, and others, and supported by DEQ, FWP, and local conservation districts -- started collecting this baseline data in 2018, but it won't be until autumn 2020 when sufficient baseline data has been collected. Until such data is available and monitoring efforts are well-established, DEQ should not permit land use changes with potential adverse impacts to water quality as neither the local community nor the state regulatory agencies (i.e., DEQ) currently have the necessary information to detect, monitor, plan for, and respond to such impacts.

Additionally, there are several regulations pertaining to requirements that Class II and IV landfills adhere to ground water monitoring and corrective requirements. Again, given the previous solid waste disposal on the site, impacts from PKD, and other threats, the EIS must include groundwater monitoring plans, and DEQ must assess the sufficiency of those groundwater monitoring plans. See generally ARM 17.50.1301 through 17.50.1312.

Mosquitoes

Tire storage at the Monofill will create an unnecessary and dangerous breeding ground for mosquitoes, and DEQ must seriously consider impacts to public health and safety as a result. Numerous studies have shown that water in tires create ideal breeding grounds for mosquitoes,

and readily harbor mosquito larvae. DEQ cannot rely on Adkins' expert to alleviate any related concerns.

A more troubling scenario than creating a mosquito breeding ground on Mill Creek is the potential for tires being delivered to the Monofill transporting new and troubling invasive species to Montana. For instance, the Asian Tiger mosquito was introduced to the United States and became "established following shipments of used tires to Texas in 1985 from northern Asia."

https://www.researchgate.net/publication/231196004_Willingness-to-Pay_for_an_Area-Wide_Integrated_Pest_Management_Program_to_Control_the_Asian_Tiger_Mosquito_in_New_Jersey

The Asian tiger mosquito is a known vector for numerous diseases, most notably dengue fever.

Climate change is expanding the range of diseases once unheard of in the United States. DEQ cannot permit facilities that threaten to exacerbate the spread of invasives in Montana without fully considering and mitigating impacts. DEQ must recognize the threat of invasive species and related diseases reaching Montana and plan for and mitigate any potential risk. For example, DEQ must require inspections of every delivery of tires to Adkins' Monofill to insure no tire is transporting water or invasive species. DEQ must also require that any tire suspected of holding water be cleaned immediately and thoroughly before disposal. One only needs to look at the recent introduction of the zebra mussel to Montana to know how real the threat of invasive species are to the State.

Weeds

DEQ must adequately address a management plan for invasive weeds. Weed dispersion is a serious concern in the Paradise Valley costing ranchers and taxpayers thousands of dollars every year. Weeds from the site could potentially travel into neighboring ranches and even into

Yellowstone National Park. DEQ must carefully consider and ensure that the Monofill is capable of implementing potential weed mitigation measures at the site and must consult with any relevant state and federal agencies.

In addition to the potential for the site to harbor noxious weeds, the DEQ must also consider the issue of new weed species being introduced by the facility through the transport of seed in the tire shipments. Weed species not present, or unknown in Montana, could be delivered to the site in the arriving truckloads.

Noise

DEQ must examine noise pollution from the Monofill. The quiet nature and the rural character of Paradise Valley constitutes one of its most important environmental qualities to locals and visitors. Noise generated from the Monofill will disturb the quiet solitude in this rural residential neighborhood. The rural location cannot be used to justify the commotion of the Monofill. To the contrary, DEQ must examine how the close proximity of homes, the open nature of Paradise Valley and the significant wind will impact noise pollution at Monofill.

Light Pollution

DEQ must evaluate potential light pollution from Monofill. Paradise Valley's rural character is one of its main attractants for tourists and residents, which fuels the local economy. The ability to see the night sky is often attributed as a reason people visit Paradise Valley. Light pollution from the Monofill has the potential to negatively impact the environment, forever changing the night sky. DEQ should examine any effects light pollution would have on natural cycles and human and wildlife health, and the local economy.

Air Quality

DEQ must examine any impacts to air quality from the Monofill. The proposed activities at the Monofill have the potential to generate more than 8 tons of emissions each year, including particulate matter. The Monofill is within one mile of at least 20 homes and Arrowhead School. Paradise Valley has a significant amount of wind that could cause air pollution to travel quickly across the valley. DEQ needs to review the air pollution the Monofill would cause and require the Monofill to take steps to address dust and other particulates from leaving the property. Air pollution would also be exacerbated by the potential of a tire fire.

Using water for fugitive dust control at the Monofill is recommended by DEQ in the Draft EA. Yet no mention or discussion is made to how that will be feasible during the winter months where freezing temperatures will make that activity largely impossible.

Tire Fire

DEQ must require the Applicant to demonstrate economic viability of the facility and adequate financial resources to manage or mitigate a fire on site, in order to ensure that local taxpayers are not left with fire remediation expenses at an abandoned facility. DEQ cannot permit the Monofill until financial assurances are made that demonstrate Applicants ability to maintain the facility.

Tire fires are shown to be even more toxic than other fires, and the pollutants include particulates, carbon monoxide, sulfur oxides, oxides of nitrogen, volatile organic compounds, polynuclear aromatic hydrocarbons, dioxins, furans, hydrogen chloride, benzene, polychlorinated biphenyls, arsenic, cadmium, nickel, zinc, mercury, chromium, and vanadium. These fires can cause acute and chronic health problems, including irritation of the skin, eyes and mucous

membranes, respiratory effects, central nervous system depression and cancer, that need to be examined.

The equipment Adkins will be using at the Monofill facility has been known to ignite tire fires. Tire fires can spread quickly. A single individual trained in fire response will not be able to adequately deal with a fire. The rural fire volunteers will not be able to respond to a call fast enough to keep it from getting out of control. This cautionary story from Grawn, Michigan illustrates just how quickly a tire fire can get out of control and beyond the capabilities of a rural fire department. (https://www.youtube.com/watch?v=9sfmE_eY6oA) In addition to the toxic substances released by burning tires, the foam fire suppression used to combat the Grawn tire fire has also proven to be a hazard to human health. (https://www.mlive.com/news/2018/07/1996_grawn_tire_fire_pfas.html)

The Paradise Valley is known for high wind events. A small spark from an excavation project ignited the Pice Creek fire in 2012. That spark, carried by hot, dry windy conditions that afternoon created a wildfire that overtook the community of Pine Creek with little warning, and burned 8,000 acres before the day was over. Not only could a fire event like that ignite the tires stored at the Monofill, a fire at the Monofill could create a wildfire of similar size and proportions to the Pine Creek fire, threatening the lives and property of Chicory and Mill Creek residents, as well as every other resident of the east side of the Paradise Valley caught in the path of the fire.

Park County Rural Fire bravely fought the Pine Creek fire, protecting property and ensuring that no lives were lost. We respect their heroism and duty that day and every day, and we do not wish to imply that they would not respond valiantly to a fire in Mill Creek, even a tire

fire at the Monofill. What we want to illustrate is the not only the threat of a tire fire, but also the threat of wildfire to the Monofill. If a fire at the Monofill were to escape the site Rural Fire would rightly need to respond to the wildfire first, to protect lives and property, potentially leaving a Monofill fire to grow unchecked, resulting in a worse case scenario, and a tire fire to large for local resources to extinguish.

Conversely, if a wildfire were burning in the Mill Creek area, would Rural Fire need to pull resources, equipment and personnel from the wildfire to protect the Monofill? What would that mean for area residents still threatened by the fire? DEQ must address these likely fire scenarios.

Adkins states that at least one employee will be trained to respond to fire. Adkins cannot guarantee, however, that such an employee exists or will remain on staff. DEQ cannot permit a facility with such high risk based on the Applicants' promise to hire highly-qualified staff.

Likewise, Adkins proposal to bury tires does not guarantee protection and does not prevent tire fires. Some tires will always be exposed at the Monofill. Those tires will be in place next to partially covered tires. A tire fire in Socorro, New Mexico provides a cautionary example in thinking that buried tires are safe. In June of 2000, a fire broke out at a tire recycling facility, ignited from malfunctioning power line transformers during a thunderstorm. Local responders were unable to contain the fire and after two days called in the EPA to take over. The tire fire "eventually was capped with a 2- to 3-foot-thick layer of dirt, the paper reported. Eleven years later, there are still hot spots smoldering under the surface, according to El Defensor Chieftain." (<https://www.abqjournal.com/36734/tire-fire-has-been-burning-in-socorro-for-11-years.html>)

DEQ cannot assume that buried tires are safe, and will need to address the potential for fire, and the consequences, no matter the level safety measures taken at the Monofill. No one in Paradise Valley, or anywhere for that matter, wants a tire fire smoldering for a decade or more.

Conclusion

DEQ must take a hard look at the environmental impacts from the Monofill before moving forward with permit approval. Mont. Const. art II, § 3. DEQ cannot move forward with an EIS until Adkins has submitted an updated application that includes details about a related recycling facility on site, and any related changes in storage, management, capacity or disposal of tires commensurate with Adkins' new proposal. Absent this information, DEQ cannot conduct a "thorough, honest, unbiased, and scientifically based full disclosure of all relevant facts concerning impacts on the human environment that may result" from approval of Adkins' application. MCA §75-1-201(1)(b)(iv). Ultimately, DEQ has a fiduciary responsibility to ensure that future Montanan's are not strapped with environmental messes and taxpayer cleanups from DEQ's permitting decisions. Mont. Const. art II, § 3.

Please don't hesitate to call me at 406-223-4714, if you have any questions about these comments or would like additional information about any potential issues.

Sincerely,

Michelle Uberuaga

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