COUNTY ADMINISTRATOR'S OFFICE
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C.H. HUCKELBERRY
County Administrator

May 13, 2013

Ms. Tina West
201 West Esperanza Avenue, #1003
Ajo, Arizona 85321

Re: **Board of Supervisors May 14, 2013 Meeting: Addendum Item 19, Tucson Recycling and Waste Services, LLC Contract**

Dear Ms. West:

The following information is in response to your letter of May 8, 2013 regarding the proposed contract with Tucson Recycling and Waste Services, LLC (TRWS) to operate the County's solid waste facilities. The proposed contract will be presented for Board of Supervisors consideration at their regular meeting on May 14, 2013. If the Board approves the contract, solid waste services in Pima County will continue at the current or greater service levels. The solid waste customers in Pima County should not notice a difference as a result of this change in operations.

The solid waste service in Ajo will continue without change at this time. One of the options in the contract is for TRWS to cease operation of the landfill and install and operate a transfer station. If that happens, the waste accepted at the transfer station will remain the same, with the exception of dirt, brick and asphalt, which can still be accepted at the landfill given prior arrangements. The transfer station, if constructed, must be operated in a clean and safe manner, including litter, odor and vector control.

Not only will the level of service in Ajo remain the same, it will improve. The contractor has agreed to increase operations by opening Monday through Friday and half a day on Saturday. In addition, TRWS will establish mixed-stream recycling services and will continue waste oil and tire collections.

The County solid waste program currently costs about $2 million more annually then it generates in revenue. Those losses occur at almost all facilities, including the Ajo Landfill.

The Ajo Landfill does not generate any revenue, so the operating costs must be borne by the County's General Fund. The costs to operate the Ajo Landfill are generally about $400,000 per year. The proposed contract with TRWS maintains current entry fees. Any fee changes would be noticed for public comment and a hearing before the Board. The Board must approve any proposed fee changes before they can go into effect.

The Pima County Department of Environmental Quality (PDEQ) operates the County's illegal dumping program. The program typically conducts one cleanup program a month. This program will continue to be operated by PDEQ. Material collected during the cleanup is brought to Tangerine or Sahuarita for disposal. Since both the Sahuarita and Tangerine Landfills are projected to close in the next year, it is important to retain some available capacity at those landfills for the illegal dump program. The Ajo Landfill is not near its capacity limit so any cleanups conducted in the Ajo area will be able to utilize the landfill into the future.

The County solid waste facilities are operating under appropriate permits from the environmental regulatory agencies, in this case the Arizona Department of Environmental Quality and PDEQ. The permits will be updated to reflect any change in operations as necessary and will be submitted for review and approval. No permit changes are necessary at this time and, therefore, no environmental review is required.

Pima County is committed to providing solid waste disposal options for residents of Pima County in an environmentally responsible manner. Pima County also continuously makes changes in operations to reduce costs in order to efficiently administer the County's budget. The proposed contract will provide the continuation of solid waste disposal options while reducing operating costs to the County.

Sincerely,

C. Huckelberry

C.H. Huckelberry
County Administrator

CHH/dph

Enclosure

c: The Honorable Chairman and Members, Pima County Board of Supervisors
Robin Brigode, Clerk, Pima County Board of Supervisors

May 8, 2013

TO: Pima County Board of Supervisors
130 West Congress Street
Tucson, Arizona 85701

FROM: Tina West
201 West Esperanza Avenue #1003
Ajo, Arizona 85321

RE: Board Meeting of May 14, 2013
Waste Management Contract between Pima County and Tucson Recycling & Waste Services (TRWS)

Please make this letter part of the record of the Board Meeting of May 14, 2013. Please also distribute a copy of this letter to all 5 members of the Board and the County Administrative Officer.
These comments concern the impact of the proposed Waste Management contract on Western Pima County in general and the environs of the town of Ajo in particular.

UNTIMELY PUBLIC DISCLOSURE

Full public disclosure of the proposed waste management contract has been slight and untimely.

A January 14, 2013 memorandum from County Administrative Officer (CAO) Huckleberry indicated that a Request for Proposals (RFP) to select a private entity to operate the County's solid waste proposals was being solicited. There was no press release notification of this given to the Ajo Copper News (ACN) or the Western Pima County Community Council (WPCCC) in Ajo. The ACN and thereby the Ajo Public were given notice of this action only after the CAO's April 9, 2013 memo indicating that a contractor had been selected.

In February 2013 at least one WPCCC member asked and was told by Supervisor Bronson's Special Staff Assistant that there was no action pending and no information available on a possibility of Ajo landfill closure.

The January 14 memo clearly states that the CAO scheduled a contract award by the Board and smooth transition with the beginning of fiscal year 2013/14. The April memo also included a BOS Agenda Item Summary which stated that the FINAL contract would be presented to the Board at the May 14 board meeting,(for possible approval). Meanwhile, District 3 Supervisor Sharon Bronson's office repeatedly stated that Board action on May 14 would only be the formal award of the contract to TRWS, with all contract details to be acted on at a future Board meeting. This was contradicted by Department of Environmental Quality (DEQ) and other County personnel as well as the pending 45 day legal notification of contract public notice deadline between May 14 and fiscal year onset July 1, 2013.

A WPCCC meeting was noticed April 30 and held in Ajo for roughly 30 minutes on the issue May 2, twelve days before Board action on the contract. At this meeting, DEQ Director Ursula Kramer stated that no environmental review was being done and no public input had been sought for development of the contract. The contract itself was held back for release until May 10, four days before Board action. This all appears as a very well established line of bureaucratic arbitrary and capricious action which defrauded the Ajo public of the right to know and participate in a significant decision effecting their lives and livelihoods.

The natural, human health and fire hazard impacts of this proposal as it is being processed could actually result in death or injury for which the County might be considered liable because it did not attempt to mitigate those impacts with alternatives, monitoring, or enforcement measures.

RESPONSIBILITY FOR FEE SCHEDULE INCREASE

CAO Huckleberrys's January 14 Memorandum states that the PROJECTED $2 million annual deficit for County solid waste disposal services is due most significantly to competition from large waste management companies in the urban-suburban Pima county area. Ajo's free landfill is not the villan.

In the January 14 Request for Proposals (RFP) Solicitation /Scope of Services, Item 1.d. it states that the County's illegal dumping cleanup program deposits 180 tons per year at each of the Sahuarita and Tangerine Landfills, but not at Ajo. This further links the impact of illegal dumping to fee charges which has not been reviewed, mitigated ,or provided with monitoring and enforcement measures.

It has now been stated in public by both Supervisor Sharon Bronson and DEQ Director Ursula Kramer that the fee schedule will not be presented or voted on at the May 14 ,2013 BOS Meeting. Therefore, detailed comments on the impacts and possible mitigation of the fee schedule on Ajo are not presented in this letter.

NEED FOR ENVIRONMENTAL REVIEW

Partial justification for closing the Ajo landfill given to the Ajo public by Supervisor Bronson's office is that the County has been having difficulty complying with Environmental Protection Agency (EPA) requirements. When questioned at the May 2 WPCCC meeting in Ajo about this, DEQ Director Ursula Kramer replied that her department was having no difficulties with EPA regarding Waste Disposal operations. Who is fooling who?

EPA and National Environmental Protection Act (NEPA) requirements to provide facts with which the Board can make an informed decision regarding contract stipulations for Ajo were not attempted or fulfilled by the Pima County Department of Environmental Quality. The Board is carrying out a discretionary action in adopting this contract, qualifying it as a project for environmental review under NEPA .Furthermore, this project does not qualify for an exemption from environmental review because a significant change is being made in Ajo. An area waste management fee schedule and infrastructure is being implemented where none existed before. This is not just a mere transfer of existing facilities from one operator to another. This action creates several probable significant adverse effects to the Ajo environment without alternatives

or mitigation to reduce said effects to a level of non-significance. Namely, trash dumping on public and private lands in the desert, health hazards due to trash buildup in town, fire hazards due to burning trash in barrels and fuel load of trash mixed with creosote on the desert. All without adequate measures for monitoring, enforcement or protection.

DEQ relying on the opinion of one wildcat dump investigator working in the eastern part of Pima county does not serve as environmental analysis. Ursula Kramer's offer at the May 2 Ajo WPCCC meeting to designate that employee to work in Ajo for a brief period of time after the onset of the new contract does not constitute adequate mitigation, monitoring or enforcement measures for the life of the contract.

The Ajo-Why-Lukeville corridor is distinct from urban suburban Pima County in that it is over 100 miles from Tucson or Phoenix metro services of any kind. Its population centers are surrounded by vast open spaces of Sonoran Desert. It is served by a two lane substandard highway. Ajo is not an incorporated town and it has no Street Superintendant to monitor trash buildup in streets or alleys, no Public Health staff member directed to monitor the possibility of disease from 120 degree summer heat and trash buildup, no funded City or County Fire Department to monitor and respond to fires breaking away from barrels of burning trash or range fires erupting from trash buildup fueled by dry desert windstorms. In addition, the County Sherriff has been given no direction or staffing here to deal with litter violations and arson on the desert or illegal dumping of trash in and around commercial dumpsters. Ajo already has a high incidence record of arson in town under investigation.

Ajo's isolation, depressed boom and bust economy and lack of local government infrastructure has evolved a social-economic culture distinctly different in response from urban Pima County to situations such as waste disposal. People have been left alone here to deal with the circumstances of their lives. They can remember the days before the free County landfill existed when people burnt their trash in oil drum barrels or dumped it at the end of the road on the desert. They know that it is unlikely that any County official will try to stop them just as no County official asked or cared how the new plan for Waste Management would affect them.

All of Western Pima County from Lukeville thru Why to Ajo is classified by the 2010 census as Low Income Household ($24,878 median income). Median income means there are people above that number and people below it. The people above it are likely to accept the new transfer station contractor fees. They don't want to, but they figure they have to pay. Many of the people below it can't pay because they do not have the money to do so.

The CAO's memorandum of April 9th indicates a proposed $2 dump fee for"low income households". At the May 2nd WPCCC meeting in Ajo, DEQ presented a $2 fee schedule based on "poverty level income". For one person that is $1,396 per month. The $2 fee is expected to increase each year after the contract is awarded. Many families in Ajo are believed to subsist on less than $1,000 a month.

At the May 2nd WPCCC Meeting in Ajo DEQ Director refused to definitively answer the question of how much of the $2 million annual County waste disposal deficit can be attributed to Ajo. This carefully disguises the fact that Ajo has recieived slight expenditure of funds to operate a landfill in the past and is now receiving slight assistance with adjusting to living with the costs of a new waste disposal operation. Again, the CAO's January 14 memo states that the most significant factor creating the $2 million deficit is competition from commercial waste management companies in the urban suburban part of the County, not Ajo landfill costs.

Speaking at the May 2 Ajo WPCCC meeting, TRWS contractor Larry Henck indicated that dirt, concrete and asphalt will be used as "ravine" fill. Dumping of these waste materials into ravines, washes or arroyos creates a significant adverse impact for monsoon flood control, wildlife corridors and aesthetic factors. Trash and waste buildup in the arroyos is one of the things people fear will happen if a fee schedule is instituted in Ajo. It must also be considered that in Pima County most arroyos are privately owned by indiviuals, or Freeport-McMoran. Others are on federal lands. Pima County Flood Control is responsible for environmental regulation oversight of the arroyos.

It was revealed on May 2 that the site for the new transfer station will be on Well Road between the ballfield and the Sherriff's Department. This is also adjacent to a residential neighborhood. The environmental effects of noise, odor, exterior lighting, flies, etc need to be reviewed and alternative location potentials investigated.

At the May 2nd WPCCC meeting in Ajo DEQ Director Ursula Kramer also stated that no environmental review for the solid Waste Operating Services contract would be done and that their had been no direction given to her staff to co-ordinate input from County, State or Federal Agencies regarding the effect of the new waste disposal operations (especially in Ajo) on their ability to provide services. Ms. Kramer also stated that it was the BOS responsibility to solicit such input from County department heads present at the May 14 meeting and that the CAO was responsible for co-ordination of any such input or impact mitigation required by other County departments. This situation is in dire need of administrative remedy.

NEED FOR AJO SPECIFIC AREA PLAN FOR WASTE MANAGEMENT

In light of the above and in consideration of the County's desire to have a contract in effect with with TRWS by fiscal year July 1, 2013, I am suggesting that a Specific Area Plan for Waste Management for the Ajo area be included in the Contract. Preparation and Adoption of this Plan would be required before fees were instituted in Ajo. TRWS, as the contractor, would be involved in all phases of review and plan development. Environmental Review would be conducted as part of Plan preparation. This would include co-ordination of input from service agencies such as Law Enforcement, US Border Patrol, Fire Protection, Public Health, County Flood Control and public land management agencies such as Pima County Planning and Development, Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, the Bureau of Land Management and the Tohono O'odham Nation as well as conformance with the goals of the Sonoran Desert Conservation Plan. It would also include an socio-economic scoping inventory of the Ajo community's past means and present ways of coping with costs and means of waste disposal in an area which is distinct and isolated from suburban and urban Tucson waste management solutions.

This environmental review could be conducted in house as a Preliminary Environmental Assessment utilizing County staff and the TRWS contractor with the possible exception of the socio-economic inventory needing an outside consultant. The lead coordinator should be carefully selected by the BOS as someone most familiar with implementing environmental review processes to produce sound mitigating conditions with monitoring and enforcement provisions.

Upon completion of environmental review and a Waste Management Plan for the Ajo area, this part of the contract would be implemented and a fee schedule instituted accordingly.

There are many people here who welcome the new TRWS transfer station and contractor in hopes of implementing a recycling programand bringing the landfill up to environmentally sound standards. They are willing to pay but they also want their concerns addressed about health hazards, fire hazards, trashing the desert, law enforcement response and educating the community towards acceptance of waste disposal responsibilities.

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