



May 15, 2019

KEVIN MAYBERRY
MILLS COUNTY ENGINEER/SECONDARY ROADS
403 RAILROAD AVE
GLENWOOD IA 51534

SUBJECT: Air Quality Fugitive Dust Complaint #26741
Loess Hills Landfill
Malvern, Mills County, Iowa

Dear Mr. Mayberry:

As we know, recovery assistance for flood victims has been the priority for those involved. However, I received a fugitive dust complaint with the Loess Hills Landfill road. It reads as follows: "All of the debris from the floods has caused an excessive amount of traffic going to/from the landfill. The dust is horrible. The Landfill says it is a county issue. The County says that the landfill is responsible for putting something on the road."

According to the fugitive dust rule [567 IAC 23.3(2)"c"], " A person shall take reasonable precautions to prevent particulate matter from becoming airborne in quantities sufficient to cause a nuisance as defined in Iowa Code section 657.1 when the person allows, causes or permits any materials to be handled, transported or stored or a building, its appurtenances or a construction haul road to be used, constructed, altered, repaired or demolished, with the exception of farming operations or dust generated by ordinary travel on unpaved roads. Ordinary travel includes routine traffic and road maintenance activities such as scarifying, compacting, transporting road maintenance surfacing material, and scraping of the unpaved public road surface. All persons, with the above exceptions, shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property on which the emissions originate. The public highway authority shall be responsible for taking corrective action in those cases where said authority has received complaints of or has actual knowledge of dust conditions which require abatement pursuant to this subrule."

Per the above rule, this letter is to ensure you have knowledge of the dust conditions for neighbors. The rule can be viewed online at <https://www.legis.iowa.gov/law/administrativeRules/agencies>. Finally, in addition to nuisance dust, a concern can also be reduced visibility and resulting unsafe conditions. Contact me at 712/243-1934 if you have questions.

Sincerely,

Holly Vandemark

Holly Vandemark
Environmental Specialist Senior
Field Services & Compliance Bureau

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CC Loess Hills Landfill, 59722 290th ST, Malvern, IA 51551
Complainant
Mills County AQ File