



June 11, 2019

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

SUBJECT: Air Quality Fugitive Dust Complaint #26934  
Loess Hills Landfill  
Malvern, Mills County, Iowa

Dear Mr. Mayberry:

I received another fugitive dust complaint with the Loess Hills Landfill road. Although the earlier dust suppression alleviated the emissions per the complainant, the road dust is again a problem for the neighbors.

According 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

Malvern061019.aq.Loess Hills Landfill flood recovery traffic dust complaint 26741.vandemark.doc

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