

# Speedway Recycling Facility

## Planned Area Development



**Final Version**  
**June 18, 2013**

# Speedway Recycling Facility Planned Area Development

Speedway Boulevard and Prudence Road  
Tucson, Arizona

*Submitted to:*

City of Tucson  
Planning and Development  
Services Department  
201 North Stone Avenue  
Tucson, Arizona 85701

*Prepared for:*

The Fairfax Companies, LLC  
P.O. Box 31748  
Tucson, Arizona 85751  
Telephone: (520) 624-5600

*Prepared by:*

The Planning Center  
110 South Church Avenue, Suite 6320  
Tucson, Arizona 85701  
Telephone: (520) 623-6146



*With assistance from:*

Curtis Lueck & Associates  
1568 North Wild Bart Court  
Tucson, Arizona 85745  
Telephone: (520)207-3358

*And:*

Rick Engineering Company  
3945 East Fort Lowell Road  
Tucson, Arizona 85712  
Telephone: (520) 795-1000

**FINAL VERSION**  
June 18, 2013

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## I. Introduction

### A. Background

Construction and demolition waste in the United States is the single largest source of refuse in America's waste stream, comprising approximately 135.5 million tons of waste annually. The average new construction project yields 3.9 pounds of waste per square foot of building area, equating to 97.5 tons of construction waste for every 50,000 square foot building. An average building demolition yields 155 pounds of waste per square foot. That same 50,000 square foot building will generate an additional 3,875 tons of demolition waste.



*Construction Debris*

While the problem of solid waste represents a global issue, jurisdictions are often faced with solving the issue on a local scale. Historically, the solution has been to create landfills to dispose of the materials. Recently, landfills have increased the amount that is recycled, giving second life to scrap metal and various construction materials. However, as jurisdictions continue to grow, landfills become maxed out with solid waste, and new landfills need to be created.

The City of Tucson has one of the fastest growing populations in the United States. People relocate to southern Arizona because of its climate, cost of living and

quality of life. Tucson has become such a highly desired destination that Businessweek recently named Tucson as one of America's Best Affordable Places to Retire. With a growing population, the City is faced with many challenges: scarce water resources in a desert climate setting, providing infrastructure in line with the growth rate, and dealing with increasing solid waste disposal.

As Tucson's population increases, it is essential for the City to find new, innovative ways to tackle its growth-related problems. This Speedway Recycling Facility Planned Area Development (PAD) is the first of its kind in Tucson, in that it offers a new alternative approach that is available to the City and its residents, utilizing the latest in green technology to reduce construction debris at the facility by as much as 80 percent.

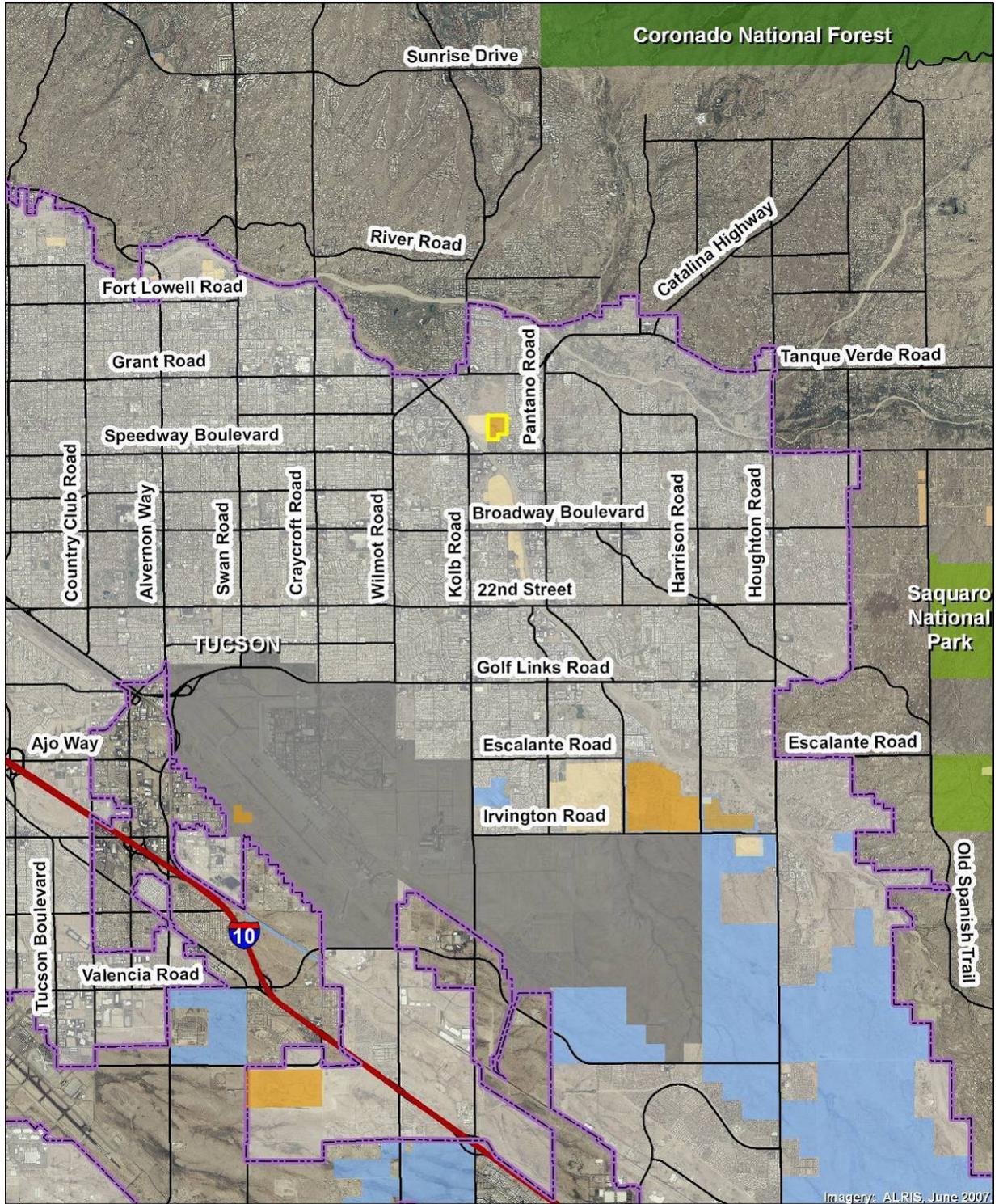
### B. Project Overview

The Speedway Recycling Facility, currently known as the Speedway Recycling and Landfill Facility, is located between Kolb and Pantano Roads on the north end of Prudence Road. The facility has been conducting landfill operations at the project site since the 1980s. (See Exhibits I.B.1: Regional Context, page 2, and I.B.2: Local Context, page 3.)

The construction and landscaping industry in the City of Tucson has become dependent upon the Speedway Landfill as a solution to their construction, demolition and landscape waste. In 2008, over 900 local businesses brought more than 80,000 tons of waste to the Speedway Landfill, with approximately 250 tons of construction and demolition waste brought to the facility each business day.



Exhibit I.B.1: Regional Context

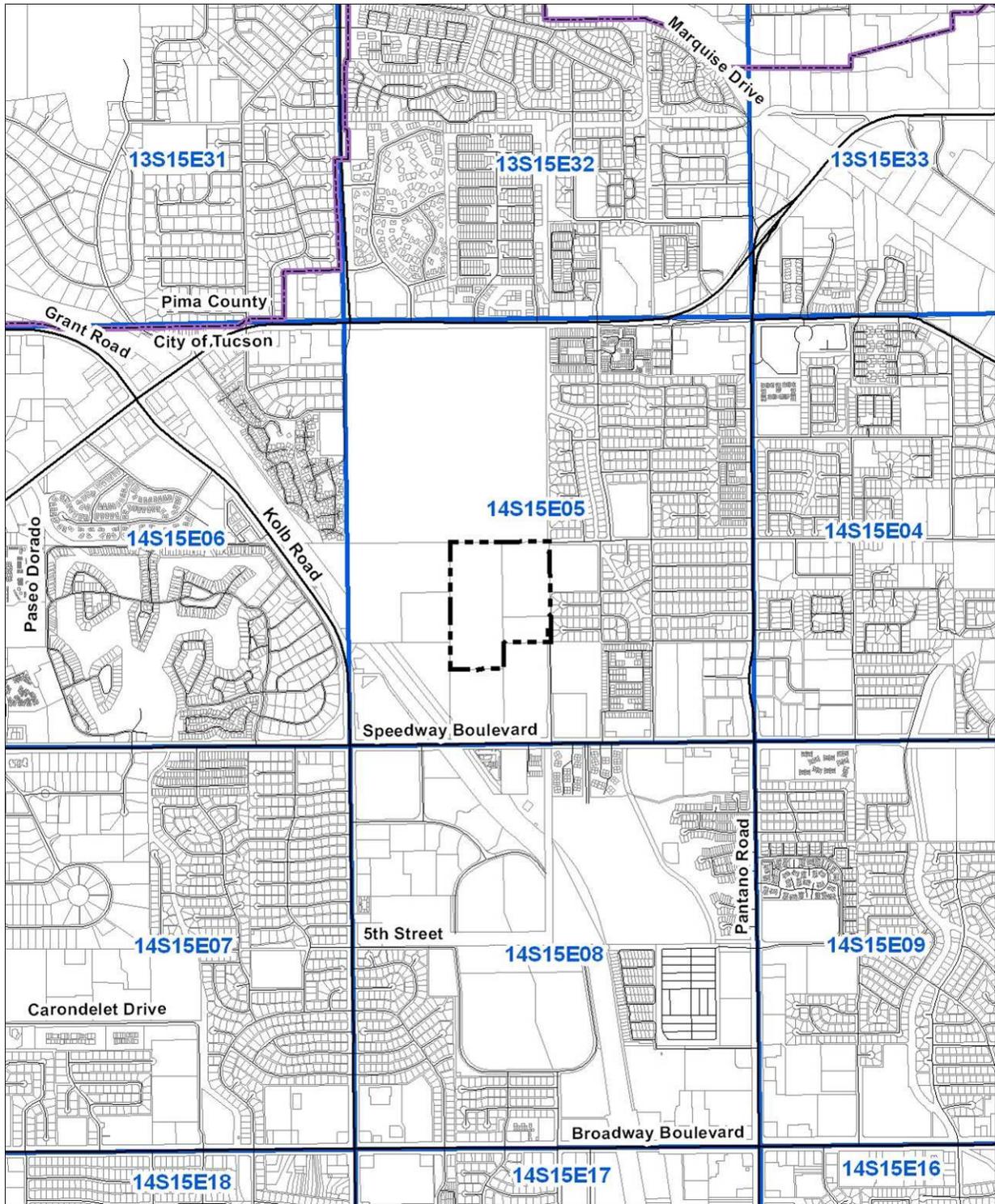


LEGEND

- |                       |                  |                      |
|-----------------------|------------------|----------------------|
| Interstate            | Closed Landfill  | National Park        |
| Site Boundary         | Active Landfill  | National Forest      |
| Jurisdiction Boundary | State Trust Land | Davis-Monthan A.F.B. |

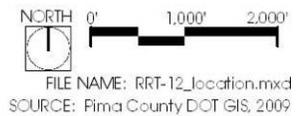
NORTH 0 1 2 Miles  
 FILE NAME: RRT-12\_regional\_location.mxd  
 SOURCE: Pima County DOT GIS, 2007

Exhibit I.B.2: Local Context



<b>LEGEND</b>	
	Site Boundary
	Township, Range & Section
	Jurisdiction Boundary
	Parcels

**Notes:**  
 Project Site is located at:  
 Township 14S, Range 15E, and Section 5  
 Acreage: Approx. 45.45 AC  
 Parcel ID #s:  
 133-11-002T, 133-11-002R, 133-11-002Q



The Speedway Landfill currently screens and sorts every piece of construction waste that is brought to the landfill. By sorting through these materials, the company is ensuring that nothing is landfilled that would cause any violations with their Aquifer Protection Permit, that would be harmful to the environment, or that could instead be recycled and reused. In an effort to salvage as much of the discarded construction material as possible, steel, copper and aluminum are currently sorted and sold for reuse, with the current recycling rate at 30 to 50 percent.



*Sorting and Recycling at  
Speedway Landfill*

The Fairfax Companies' mission is to be a leader in sustainability in the construction waste industry. In the markets of recycled materials, and landfill reclamation, they strive to set the precedence for the rest of the world, demonstrating that it is possible to find and/or create markets for all materials that are currently disposed of in construction and demolition debris landfills.

The Speedway Recycling Facility PAD proposes a sustainable business model for the reuse of construction, demolition and landscape waste materials. The

permitting of green business practices will allow the facility to increase its recycling rate to 80 percent through the utilization of cutting edge technologies to reuse construction materials such as concrete, rock, block, dirt, asphalt and green waste.

The Speedway Recycling Facility will respond to market demands by allowing its customers to embrace the global green movement through the creation of a facility in which area businesses can dispose of their construction materials and simultaneously purchase recycled and/or salvaged materials for reuse. The Speedway Recycling Facility will use the technology currently available to recycle and reprocess waste materials so they can reenter the retail stream. Because technology is ever-improving, inert materials that were previously buried at The Speedway Recycling Facility will be re-earthed so that they may be recycled, providing valuable space for the landfilling of materials that cannot currently be recycled.

Landscaping and construction companies currently have few choices when disposing of their green waste, or biodegradable waste, such as grass, flower cuttings and hedge trimmings. Although this waste could be converted into mulch, top soil and decorative landscape cover, approximately 98 percent of this waste is disposed of in landfills, diminishing landfill space and missing a prime opportunity to reuse the materials and enhance local sustainable practices.

The Speedway Recycling Facility employs green waste mulching and recycling, allowing landscapers and



contractors to eco-consciously dispose of their client's green waste and to purchase mulch, top soil and decorative landscape materials after it has been processed. At the Speedway Recycling Facility, leaves and grass clippings will be processed into value-added landscape materials. and biomass for power production.

Landfills emit a powerful gas, made up of 50 to 60 percent methane and 35 to 40 percent carbon dioxide. Methane is more than 20 times more powerful than carbon dioxide in heating the atmosphere, and landfills are the single biggest methane producer in the world. According to the US Environmental Protection Agency (EPA), in 2000, global landfills accounted for more than 730 million metric tons of carbon dioxide equivalent, representing more than 12 percent of global methane emissions. The figures are projected to grow by 9 percent between 2005 and 2020.

If a biodegradable green waste is disposed of in a landfill, it breaks down into a biogas containing methane. When green waste is disposed of in this manner, it increases the amount of greenhouse gases emitted from the landfill and further contributes to global warming.



Green Waste

Rather than allowing green waste biogases to escape into the air, it can be captured, converted and used as an energy source. Capturing green waste biogas helps to prevent methane from migrating into the atmosphere and contributing to local smog and global climate change.

The Speedway Recycling Facility proposes to reduce greenhouse gases contributing to global warming and local smog through renewable energy production—the production of biofuels, biomass and solar and wind energy—to be used for the equipment on-site with any surplus sold wholesale to its customers. The production of renewable energy furthers the sustainability goals of the Speedway Recycling Facility and its customers.

Previously, curbside recycling was a tedious task, requiring materials to be sorted into different bins at each residence or business. A new development in recycling, *single-stream recycling*, allows consumers to commingle materials in one bin for curbside pick-up. Materials are now sorted at various sorting facilities and shipped to manufacturers for reuse. This change in recycling protocol has encouraged consumers to increase the amount of materials they recycle in their homes and workplaces. When the City of Denver, Colorado switched from dual stream to single stream in their curbside service in 2004, the City saw an increase of 10,000 tons of recycling three years into their switch to single stream collection. Benefits derived from switching to single-stream recycling include multiplying the volume of recovered materials, boosting the diversion rate from the local landfill, increasing recycling



participation by residents and businesses, and reducing collection costs.

Following its goals of sustainability, the Speedway Recycling Facility proposes to process single-stream collection at the Speedway facility.

### **C. Rationale and Benefits for Use of a PAD**

The purpose of City of Tucson's Planned Area Development Zone is to allow owners of large tracts of land to comprehensively develop it for specialized uses. The City's current Unified Development Code is structured for more traditional residential, commercial and industrial development and land uses. Due to the unique nature of the proposed land use, a PAD will allow for comprehensive planning of the project site so that it can contribute to the creation of a sustainable construction waste industry in Tucson that applies market-based solutions towards the area's construction waste disposal dilemma.

The PAD Zone is beneficial in that it will allow for the Speedway Recycling Facility to utilize a unique and innovative business model that includes the newest technologies, allowing for the company to become leaders in sustainability and green technology.

In addition, the PAD allows the Speedway Recycling Facility to devise policies regarding use, landscape and buffering, and sustainability to respond to the project's site-specific location.

The zone that most closely matches the operations of the facility is I-2 Heavy Industrial. The areas in which this PAD would differ from the I-2 zoning

designation are use, landscaping and screening.

### **D. Conformance with the General Plan and City Land Use Plans**

The primary objective of the Speedway Recycling Facility PAD is to implement the City's General Plan and the Pantano East Area Plan (PEAP) in conformance with their broader development policies through the creation of design concepts and development controls. These concepts and controls are tailored to meet the surrounding area's needs while ensuring the project can create a sustainable industry for the recycling of construction and landscape waste materials.

The Tucson General Plan recognizes the ways in which industrial development and redevelopment contributes to Tucson's economic vitality, and encourages the establishment of clean industries that improve sustainability in residential and nonresidential uses. The Tucson General Plan states:

"Promote industrial development and redevelopment that will contribute to Tucson's overall economic vitality, environmental quality and community character." (*Land Use Element and Conservation, Rehabilitation and Redevelopment Element*)

"Encourage the establishment of expansion, redevelopment and relocation incentives for clean industries that have little or no negative impact on the area's air quality, groundwater quality and



supply, and waste disposal.” (*Land Use Element and Conservation, Rehabilitation and Redevelopment Element*)

“Promote the reclamation of former landfill sites for the following... solid waste facilities and diversified development, including enclosed structures and accessory uses, when appropriate engineering techniques are used.” (*Land Use Element and Conservation, Rehabilitation and Redevelopment Element*)

“Support opportunities for industrial development in locations served by existing infrastructure when appropriate design element and/or land use transitions can be utilized to mitigate incompatible impacts on adjacent less intensive land uses.” (*Land Use Element*)

“Continue to support programs that reduce energy consumption and improve sustainability in housing.” (*Environmental Planning and Conservation Element*)

“Continue to support partnerships with public and private agencies to increase energy efficiency and sustainability in nonresidential uses.” (*Environmental Planning and Conservation Element*)

“Provide assistance and support for the retention and expansion of existing business.” (*Economic Development Element*)

## **E. Compatibility with Adjoining Land Uses**

Land uses within a quarter-mile radius of the project site widely vary. The proximity to a major arterial, Speedway Boulevard, makes this area desirable for industrial, commercial, residential and recreation uses.

Special care will be taken to ensure that operations within the Speedway Recycling Facility are compatible with its surroundings through appropriate buffering and screening.

## **F. Planning Considerations**

The Speedway Recycling Facility PAD provides guidance for the expansion of existing uses and development of new uses on the project site. The PAD also eliminates the nonconforming status of uses that have occurred on the site since the 1980s. The following factors were taken into consideration throughout the PAD planning process:

- Create an operation that will be considered a leader in sustainability in the construction waste industry, the biofuels production, and landfill reclamation,
- Incorporate a public education component into the business model, and
- Conform to the applicable goals and policies of the Pantano East Area Plan (PEAP).

The PEAP recognizes Tucson’s continuing growth and the desire of a growing segment of industry to move to the Southwest. In addition, the PEAP recognizes the absorption of many of Tucson’s existing prime industrial sites have increased the demand for additional industrial sites within the Tucson region. With most firms in the Tucson area requiring six (6) or more acres of land, this type of site is now in short supply, with very few parcels of sufficient size located within the PEAP.



The Foundations section of the PEAP states that rezoning and development proposals must be evaluated on the basis of all Plan policies and recommendations.

While the PEAP identifies the project site as an existing industrial land use, the plan focuses on future uses within the Pantano East area. There are several statements in the PEAP that encourage park industrial type development; however, there are no statements where it specifically prohibits other types of industrial development. Nonetheless, the PEAP is clear that all development (regardless of type) must show overall compatibility with surrounding uses, more specifically, residential uses. Further, a rezoning proposal must be sited where there are adequate services that include utilities, public infrastructure and other applicable supporting services.

With the rationale stated in the Foundations section of the PEAP regarding the evaluation of rezonings on the basis of all Plan policies, all proposed development, including industrial use, must show compliance with the implementation techniques in the PEAP. The PAD addresses this policy through its treatment of performance and design standards (as outlined in Sections III.D and III.E of this PAD).

1. The techniques listed below are those recommended by the PEAP to implement the plan's policy to "ensure the availability of adequate services and the proper siting for industrial developments".

- i. Implementation Technique: arterial street access to industrial properties

*PAD Compliance: Access to the Speedway Recycling Facility is via a traffic light at Prudence Road and Speedway Boulevard, an arterial street. Vehicles utilize North Prudence Road, which essentially serves as a driveway for two industrial uses (City of Tucson Operations Center and Speedway Recycling Facility), the Desert Christian Elementary School and a multi-family apartment complex.*

- ii. Implementation Technique: proximity to the transportation corridors

*PAD Compliance: Speedway Recycling Facility utilizes Speedway Boulevard, a major transportation corridor. Kolb Road is located just west of Speedway Recycling Facility, providing easy access to Interstate 10.*

- iii. Implementation Technique: adequate buffer areas to protect adjacent uses

*PAD Compliance: To the west and north of Speedway Recycling Facility are the City of Tucson's closed Mullins Landfill and Udall Park, respectively. East of the site is an elementary school (closed in 2010 by Tucson Unified School District (TUSD)). and single-family residential uses. South of the site are multi-family residential uses. It should be noted that the uses to the east and south were developed after the Speedway Landfill began its operations.*



*Nonetheless, through the use of development and design standards, the PAD will ensure protection of adjacent uses by siting uses appropriately within the PAD area, adequately buffering adjacent properties from various activities taking place within the Facility and employing mitigation techniques for dust and noise.*

- iv. Implementation Technique: prohibition of industrial traffic through residential areas

*PAD Compliance: There will be no industrial traffic through residential areas. As mentioned above, the existing access to the Speedway Recycling Facility is from a traffic light at Speedway Boulevard, and vehicles utilize North Prudence Road to access the facility.*

- v. Implementation Technique: access to existing or planned public transit routes

*PAD Compliance: SunTran offers easy access from Speedway Recycling Facility to an existing public transit route, Speedway Route #4. The route incorporated a planned stop at Speedway Boulevard and Prudence Road, which is just south of the facility.*

- vi. Implementation Technique: performance and design standards

*PAD Compliance: Performance and design standards, such as those addressing noise, dust and odor mitigation and provisions for landscaped berms, have been incorporated into the PAD (see sections III.C and III.D) to ensure compatibility with adjacent uses.*

*NOTE: After discussions with City of Tucson staff, changes have been made to certain PAD provisions including permitted uses and odor mitigation. These changes have occurred after the Zoning Examiner closed the hearing on January 24<sup>th</sup>, 2013.*



# Site Analysis



## II. Site Analysis

### A. Existing On-Site Development

Landfill operations have occurred on the site since the 1980s, with the area used for landfilling covering the northern, central and eastern portions of the site. A non-paved perimeter road circles the site, and a landscape border is located on the eastern and southern boundaries and along a portion of the northern boundary of the project.

Sorting and baling operations are located on the southwest portion of the site. The Speedway Landfill includes a 1,700 square foot administrative building located in the center of the southern boundary of the site. This building houses employee restrooms, showers and lockers and also provides storage and office uses. There are approximately 7 unpaved parking spaces to the east of the building. There is a weigh station located north of the building consisting of a trailer with a scale on each side. A 5,000 square foot coverall building is currently used to store single stream recycling and cardboard at the facility.

The existing conditions of the Speedway Landfill are depicted in Exhibit II.A.1: Existing On-Site Development on page 12, and Exhibit II.A.2: Existing On-Site Development-Detail on page 13.

### B. Existing Off-Site Development

To the west of the Speedway Recycling Facility is the City of Tucson's Vincent Mullins Landfill, a closed landfill. To the north of the site is the City of Tucson's Udall Park. The Van Horne Elementary School, a single family residential development and the City of Tucson's Operations Center are located to the east of the site. Two apartment complexes, Somerpointe and Retreat at Speedway Apartment Complexes, are located to the south of the site. See Exhibit II.B: Existing Off-Site Development, page 14.

**Table II.B: Existing Uses**

<b>Project Site</b>	Recycling & Landfill
<b>North</b>	Park
<b>South</b>	Multi-Family Residential
<b>East</b>	Education, Single-Family Residential, COT Operations Center
<b>West</b>	Inactive Landfill



Exhibit II.A.1: Existing On-Site Development



**LEGEND**

- Site Boundary
- Major Circulation
- Minor Circulation
- Site Use
- Building
- Other Structure/Feature

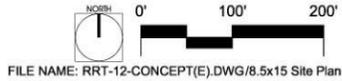
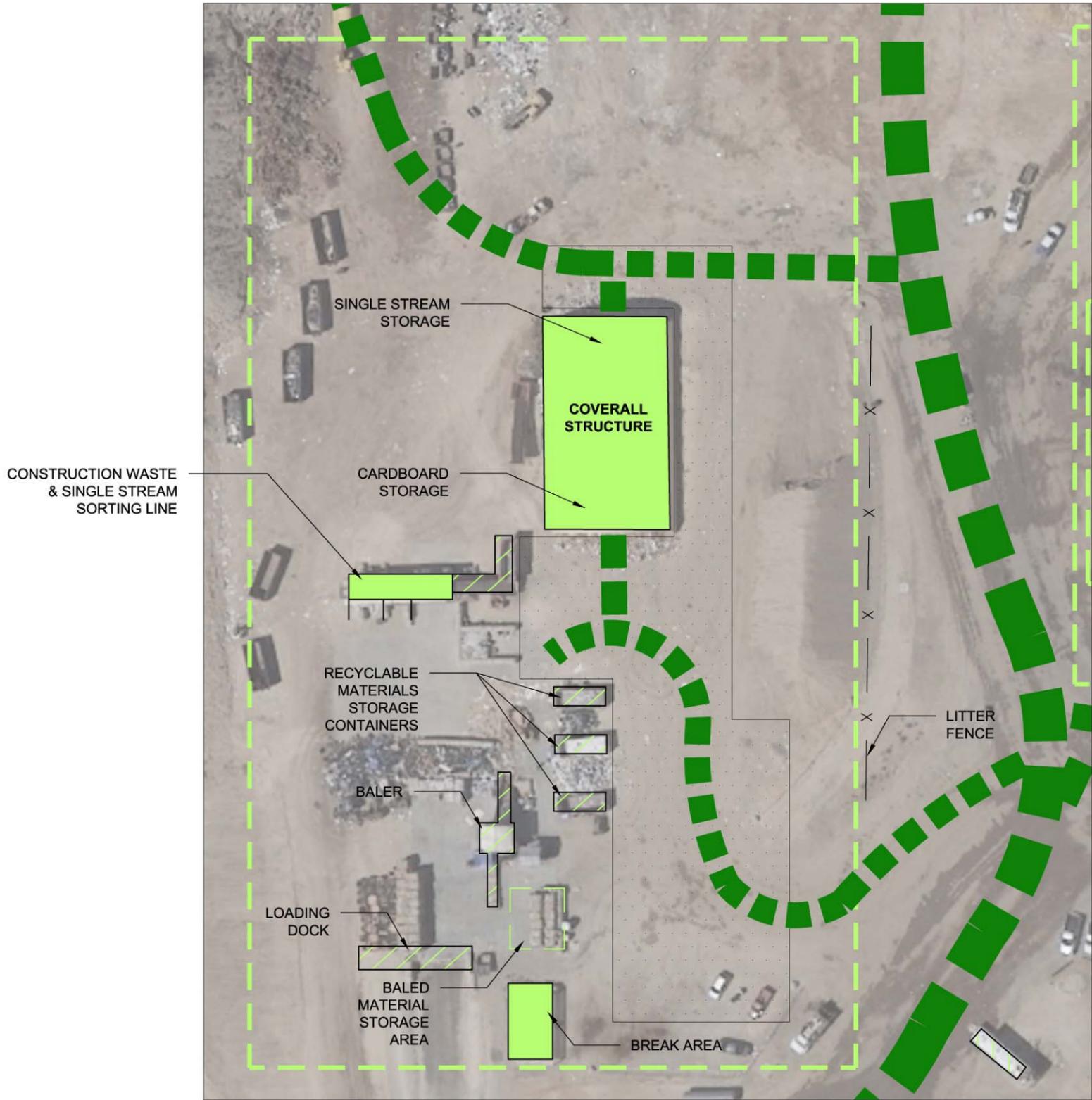
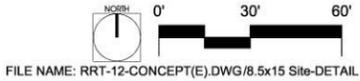


Exhibit II.A.2: Existing On-Site Development-Detail



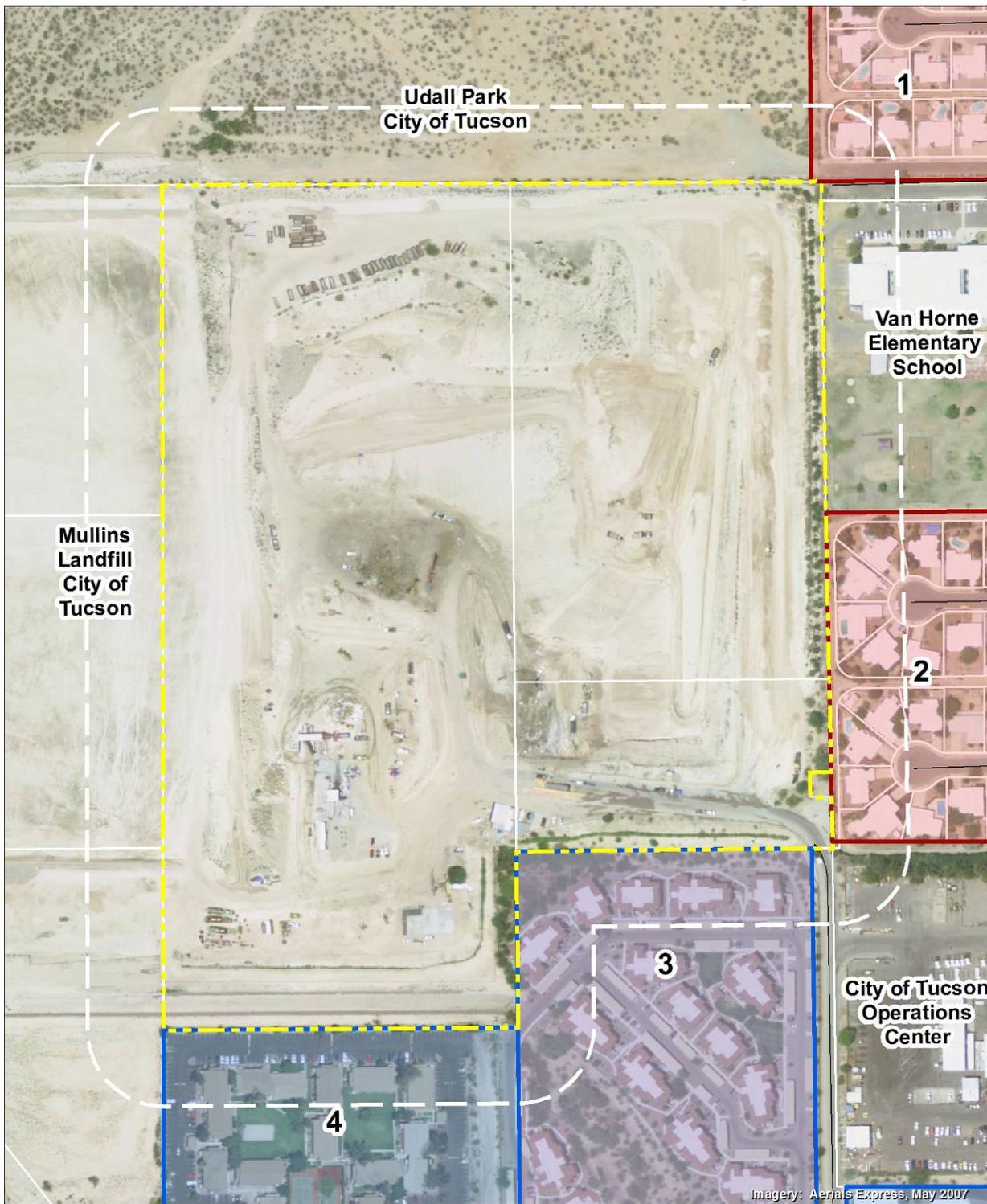
**LEGEND**

- Major Circulation
- Minor Circulation
- Site Use
- Building
- Other Structure/Feature
- Surface covered with Recycled ABC Road Base



FILE NAME: RRT-12-CONCEPT(E).DWG/8.5x15 Site-DETAIL

Exhibit II.B: Existing Off-Site Development

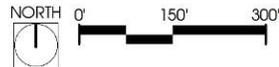


**LEGEND**

-  Site Boundary
-  Quarter Mile Radius
-  Approved Subdivision Plat
-  Approved Development Plan

**Existing Subdivisions/Developments**

1. Heatherbrae (1-72), 1-2 Story Homes (3.3 RAC)
2. Silver Shadows Estates No. 3 (1-32), 1-2 Story Homes (3.4 RAC)
3. Retreat at Speedway, 1-2 Story Apartments (18.2 RAC)
4. Someropte, 1-2 Story Apartments (18.9 RAC)



FILE NAME: RRT-12\_existinglanduses.mxd  
SOURCE: Pima County DOT GIS, 2009



### C. Existing Zoning

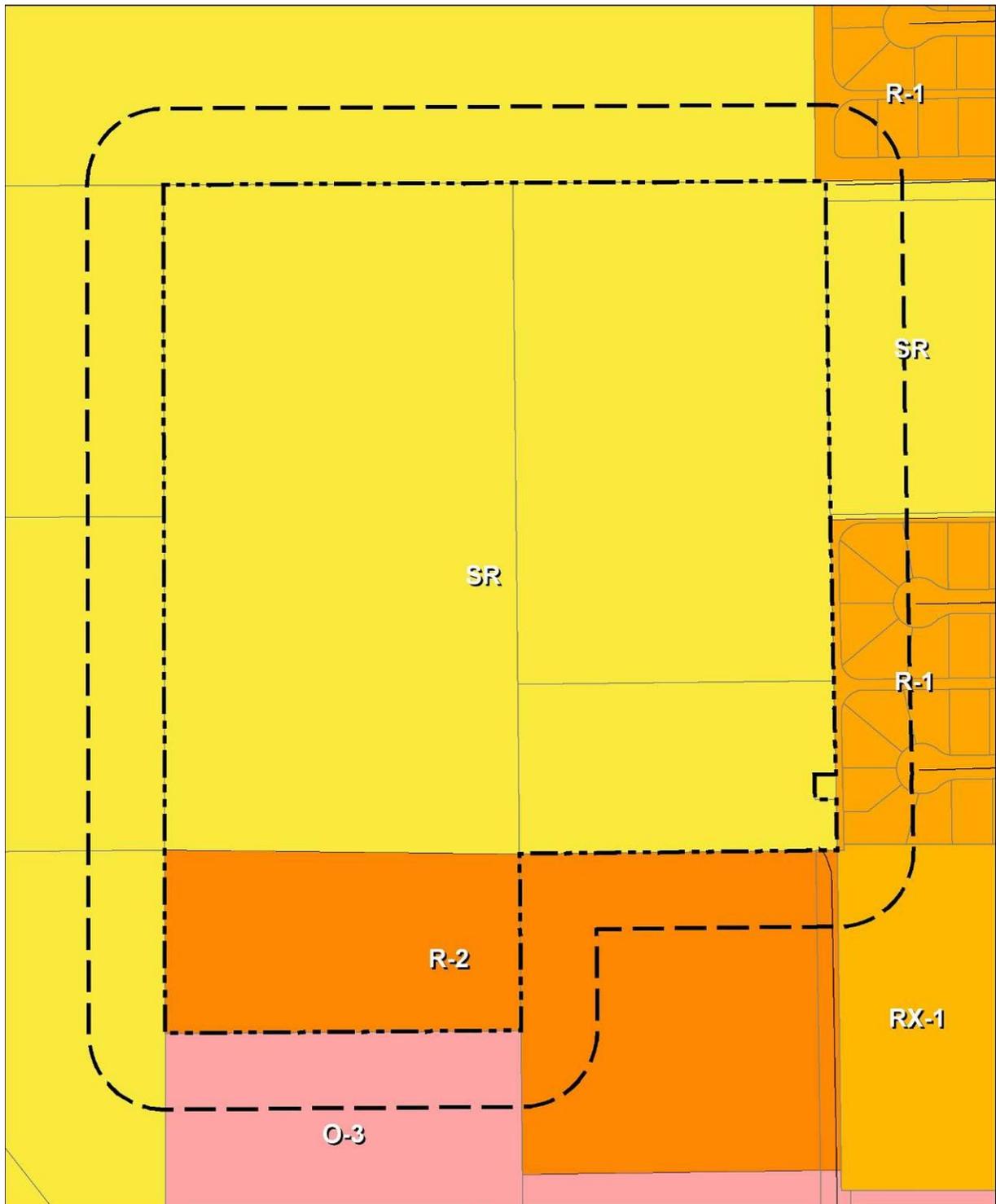
The existing zoning designation on the project site is “SR,” Suburban Ranch and “R-2,” Residential Zone. The zoning designations of surrounding properties, as depicted in Exhibit II.C: Zoning, on page 16, are as follows:

**Table II.C: Adjacent Zoning**

<b>North</b>	SR (Suburban Ranch)
<b>South</b>	R-2 (Residence Zone), O-3 (Office Zone)
<b>East</b>	SR (Suburban Ranch), R-1 (Residence Zone), RX-1 (Residence Zone)
<b>West</b>	SR (Suburban Ranch)



Exhibit II.C: Zoning



<b>LEGEND</b>		<b>City of Tucson Zoning (within 150' Radius)</b>	
Site Boundary	SR Suburban Ranch	R-2 Medium Density Residential	
150' Radius	RX-1 Low Density Residential	O-3 Office	
	R-1 Single Family Residence		

NORTH  
 0' 150' 300'  
 FILE NAME: RRT-12\_zoning.mxd  
 SOURCE: Pima County DOT GIS, 2009

## **D. Existing Easements**

An analysis of existing easements and setbacks was conducted for the Speedway Recycling Facility. The findings of such analysis were used in the creation of the conceptual site plan. See Exhibit II.D: Existing Easements, page 19.

Per a Settlement Agreement between the City of Tucson and Boone Operations, dated April 15, 2003, Boone granted to the City such right of entry, construction and maintenance easement to the West 100 feet as reasonably necessary (page 4). Specifically, the Settlement Agreement states that “Boone agrees not to store any additional material on the West 100 Feet.” The Settlement Agreement is included in Appendix A.

## **E. Public, Educational, Community and Cultural Facilities**

### **1. Schools Abutting the Project Site**

There is one former elementary school that abuts the project site, the Van Horne Elementary School, which was closed in 2010 by Tucson Unified School District (TUSD). The Desert Christian Elementary School is located approximately one-quarter of a mile from the project site. See Exhibit II.E: Public Facilities and Services, page 20.

### **2. Parks, Trails and Public Land Abutting Project Site**

The Morris K. Udall Regional Park is located on the northern border of the project site. An existing trail, the Pantano Wash Trail, is located 1,000 feet southwest of the site. See Exhibit II.E: Public Facilities and Services, page 20.

### **3. Fire Stations**

The nearest fire station is located at 7575 E. Speedway Boulevard, less than one-quarter mile southeast of the project site. See Exhibit II.E: Public Facilities and Services, page 20.

### **4. Police Stations**

There are two police stations located within the vicinity of the PAD. The Pima County Sherriff - Rincon Station is located at 8999 East Tanque Verde Road, approximately two and one-quarter miles northeast of the project site. The City of Tucson Rincon Substation is located at 9670 East Golf Links Road, approximately four and one-quarter miles southeast of the project site.

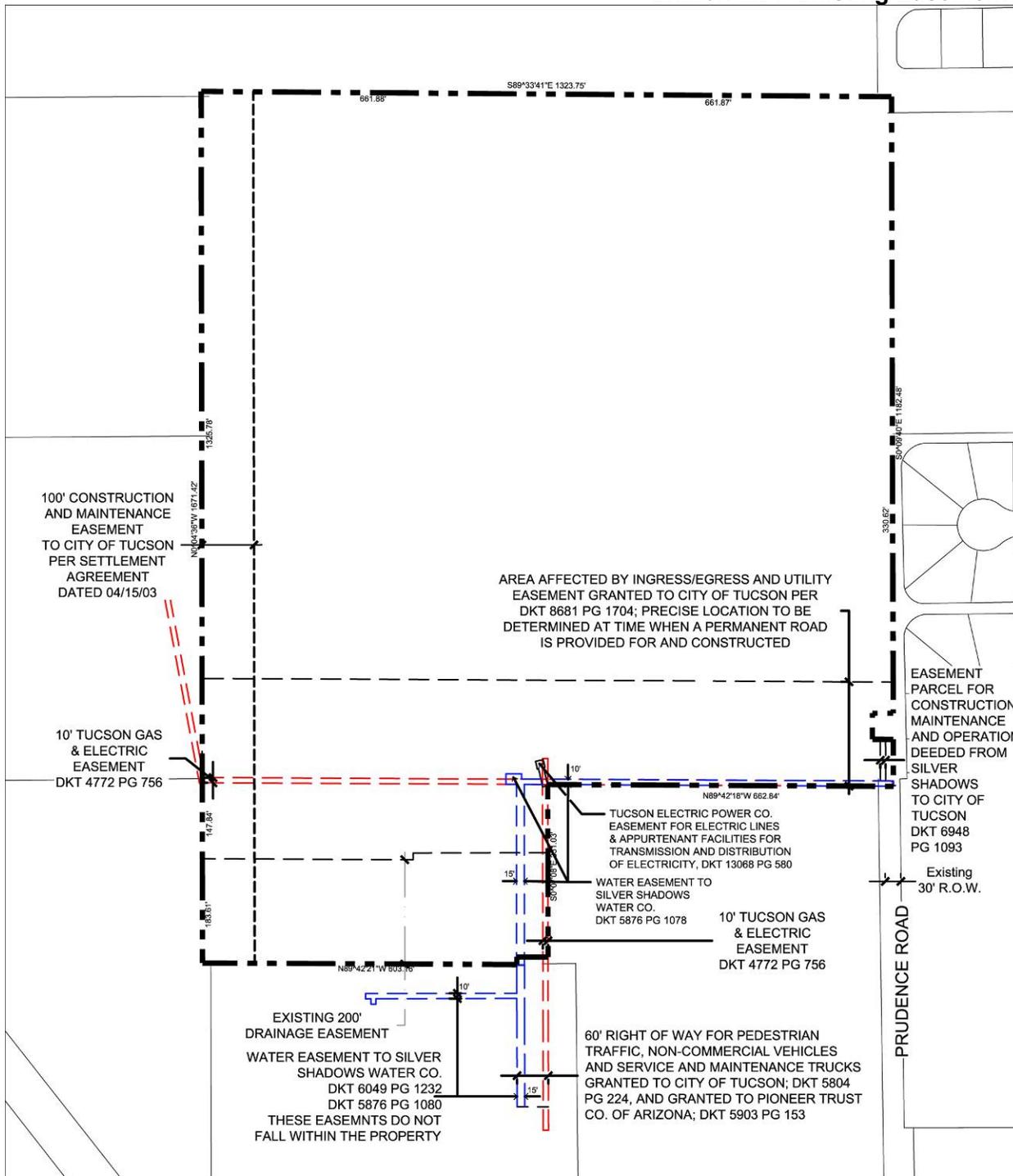


**5. Hospitals**

The nearest hospital is Saint Joseph's Hospital, located at 350 North Wilmot Road, approximately one and one-half mile southwest of the project site.



Exhibit II.D: Existing Easements



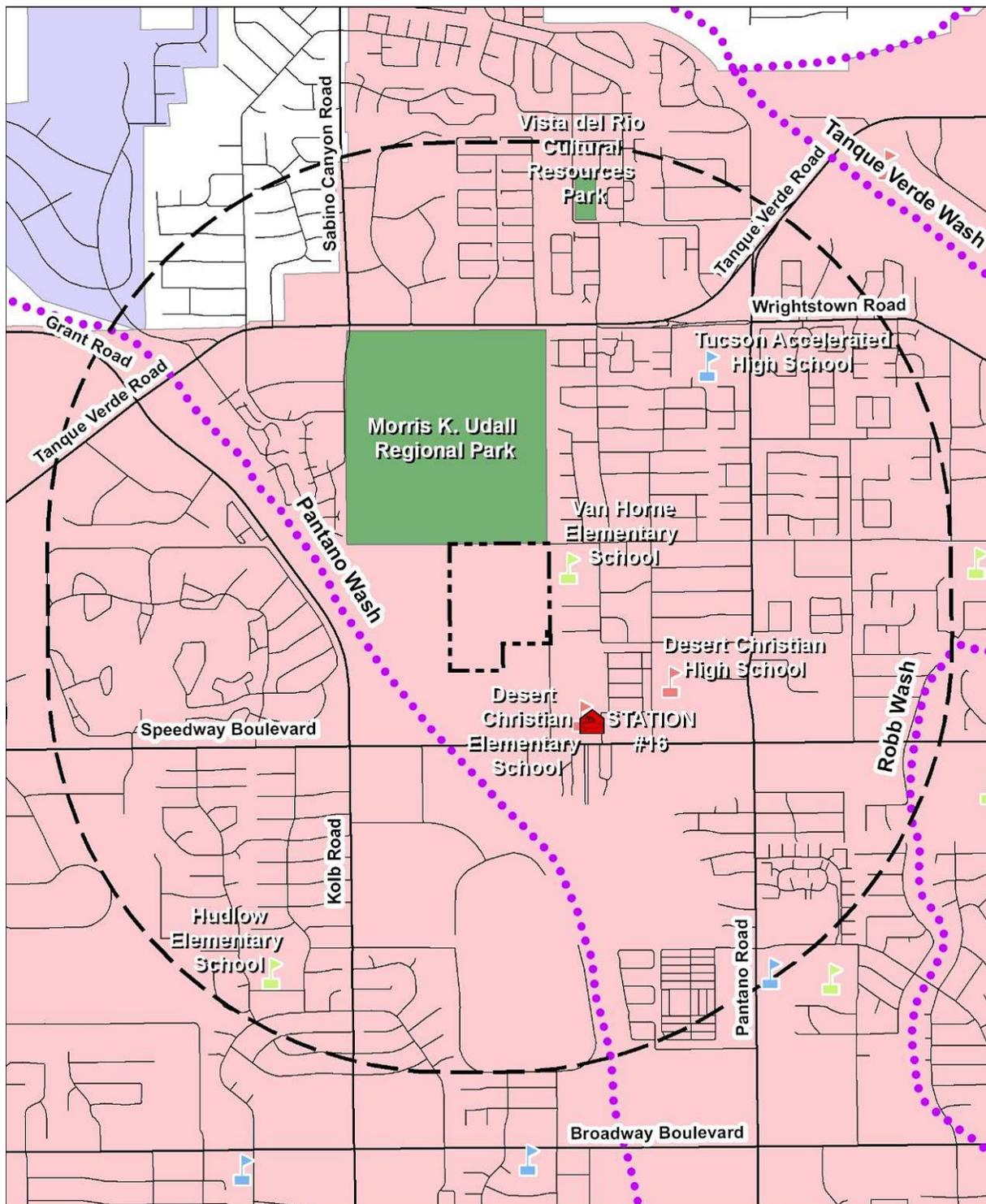
Legend

- Site Boundary
- Adjacent Parcels
- Easements



FILE NAME: RRT-12-EXHIBITS.DWG EASEMENTS

Exhibit II.E: Public Facilities and Services



<b>LEGEND</b>	<b>Fire Department/Station</b>	<b>Parks/Recreation</b>	<b>Schools</b>
--- One-Mile Radius	🏠 Fire Station	●●● Trail	🏫 Charter School
⌈⌋ Site Boundary	🏡 Tucson Country Club Estates	🌳 Park	🏫 Private School
	🔥 Tucson Fire Department		🏫 Public School

NORTH 0' 1,000' 2,000'

FILE NAME: RRT-12\_facilities.mxd  
SOURCE: Pima County DOT GIS, 2009

## **F. Existing Infrastructure**

### **1. Sewer**

There is an existing septic tank on the project site that is currently used. The closest sewer line is an 8" gravity main, M-599, located just south of the site at The Haystack Apartment Complex. Pima County Regional Wastewater Reclamation Department allocates system capacity at the Ina Road Water Reclamation Facility to new developments on a first-come/first-serve basis. Capacity is currently available at several points around the site. See Exhibit II.F.1.a: Existing Sewer, page 22 and Exhibit II.F.1.b: Wastewater Service Letter, page 23.

### **2. Water**

According to the Pima County Department of Transportation Geographical Information Services and Arizona Department of Water Resources (ADWR), there is one well located on-site, #514280. See Exhibit II.F.2.a: Existing Wells, page 24.

The City of Tucson Water Department stated in a letter dated October 15, 2009 that Tucson Water will provide water service to this project based on the subject zoning. Tucson Water has an assured water supply (AWS) designation from ADWR. See Exhibit II.F.2.b: Water Service Letter, page 25.

### **3. Solid Waste Disposal and Recycling**

Solid waste is currently removed by a private company and transferred to the City of Tucson landfill for disposal. Recycling generated onsite is recycled onsite as part of the facility's operations.

### **4. Private Utilities**

Electricity, natural gas and telecommunications will be extended to the project site at the time of development through agreements with individual utility companies. The following utility companies currently serve this area:

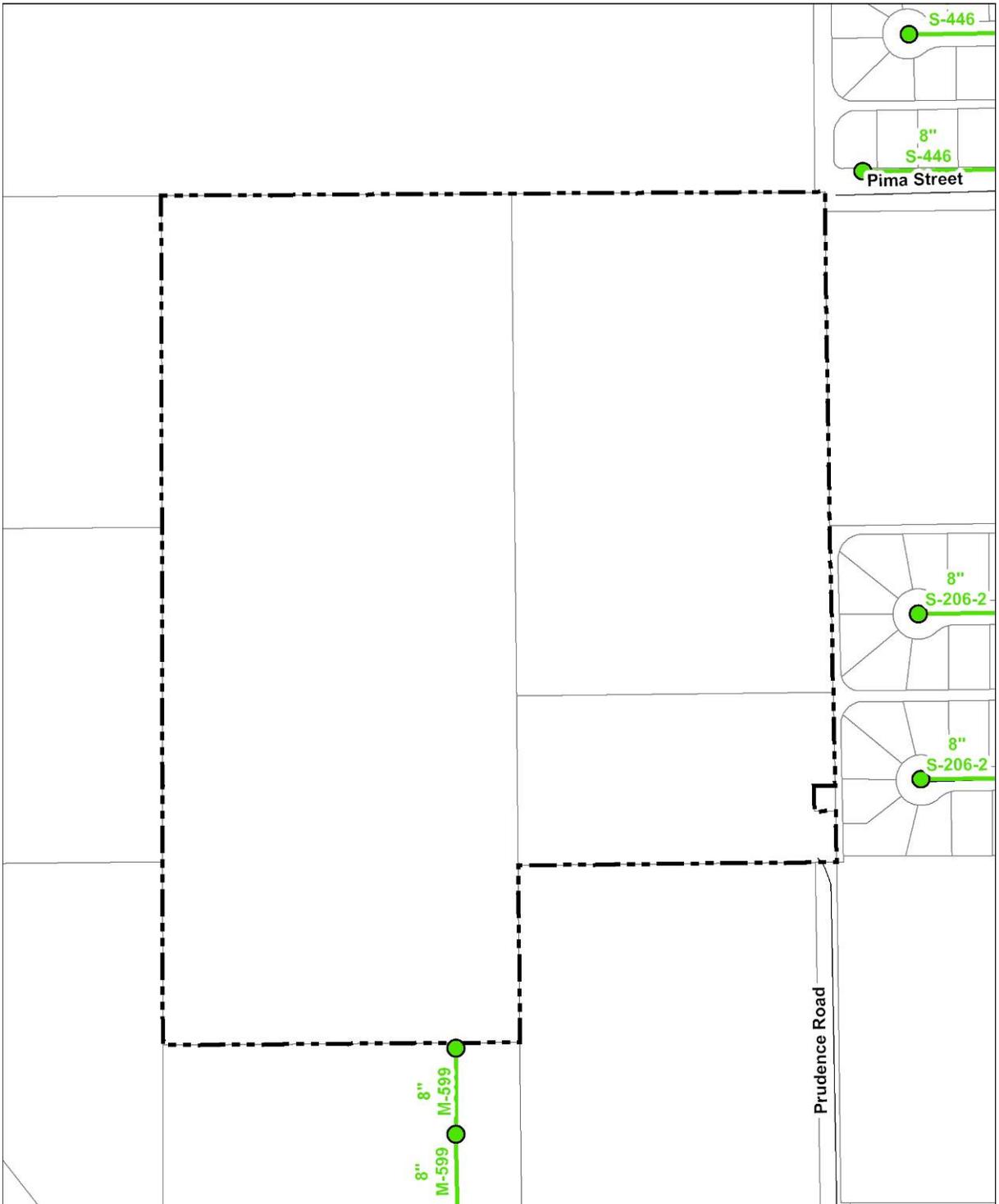
Electricity: Tucson Electric Power

Telephone: Cox Communications

Natural Gas: Southwest Gas

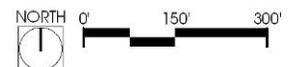


Exhibit II.F.1.a: Existing Sewer



LEGEND

-  Site Boundary
-  Manhole Covers
-  Sewer Network with Pipe Diameter and As-Built Identification Number



FILE NAME: RRT-12\_sewer.mxd  
SOURCE: Pima County DOT GIS, 2009



**Exhibit II.F.1.b: Wastewater Service Letter**



**Pima County  
Regional Wastewater Reclamation Department**

Michael Gritzuk, P.E.  
Director

201 N. Stone Ave., 8<sup>th</sup> Floor  
Tucson, Arizona 85701  
(520) 740-6500

Visit our website:  
<http://www.pima.gov/wwm>

November 6, 2009

Kelly Lee  
The Planning Center  
110 S. Church, #6320  
Tucson, AZ 85701

**Capacity Response No. 09-128 Type I**

RE: **Speedway Recycling Facility, 45 Acres on Parcels # 133-11-002T, -002R & -002Q.  
Estimated Flows of 1225 gpd (ADWF).**

Greetings:

The above referenced project is tributary to the Ina Road Water Reclamation Facility via the Pantano Interceptor, the South Rillito Central Interceptor, the Tucson Blvd. Flow Control Facility, and the South Rillito West Interceptor (Central Line).

Capacity is currently available at several points around the site, including manholes 8603-04, 8568-07, 8539-01, 8539-04 & 8539-05. Since a pit is centrally positioned on the property, it would depend on the structure's location on the perimeter to determine a connection point.

This letter is not a reservation or commitment of treatment or conveyance capacity for this project. It is an analysis of the system at this time.

**Note: Conditions within the public sewer system constantly change. A Type II letter must be obtained to verify that capacity exists in the downstream public sewer system. This letter should be obtained just prior to submitting the development plan or subdivision plat for review and approval.**

If further information is needed, please feel free to contact us at (520) 740-6500.

Respectfully,

A handwritten signature in black ink that reads "Mary M. Hamilton".

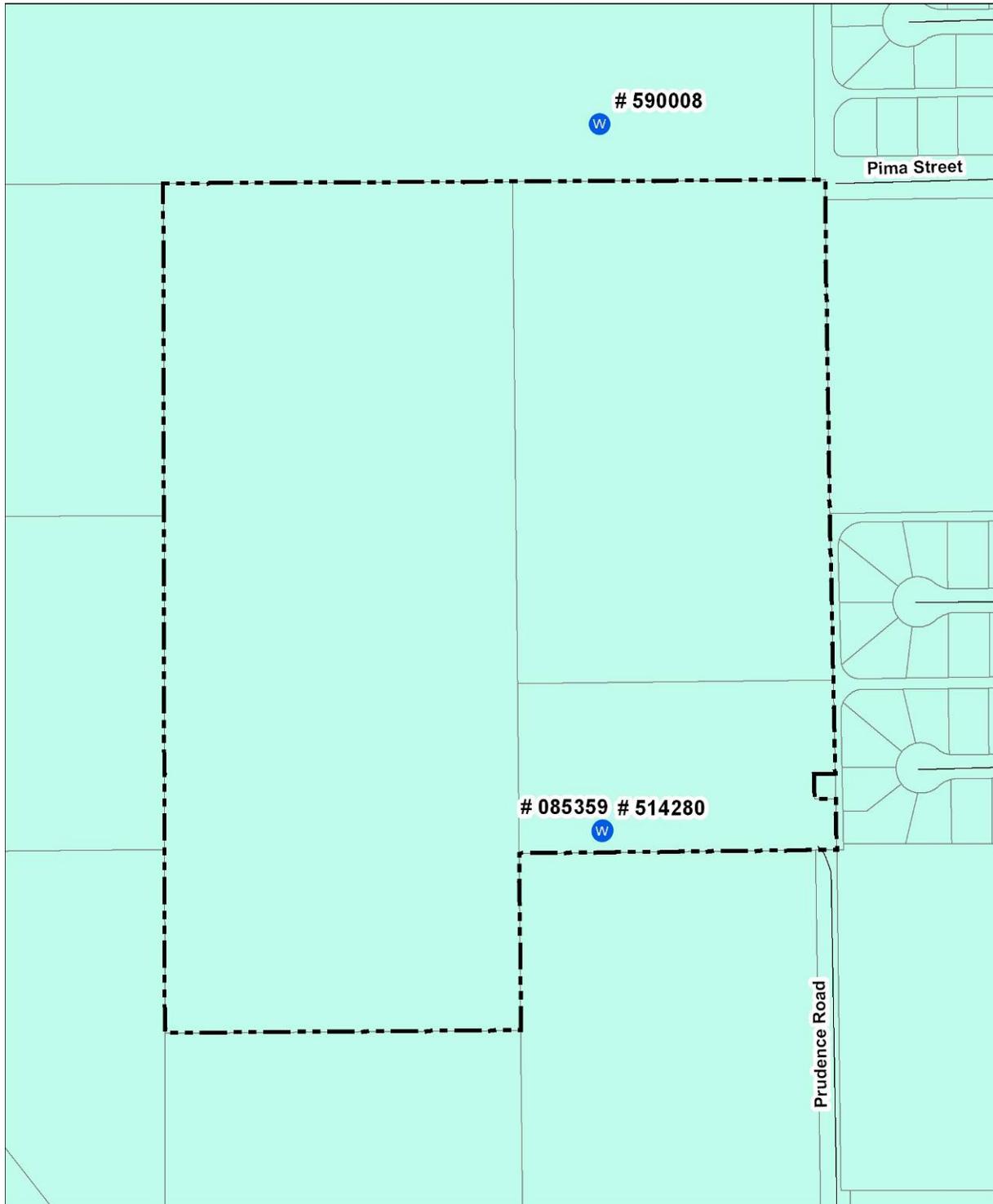
Mary Hamilton, P.E.  
PCRWRD Planning Section Manager

MH:ks

c: Subhash Raval, DSD; T14, R15, Sec. 05

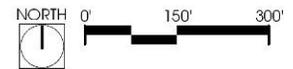


Exhibit II.F.2.a: Existing Wells



LEGEND

- Wells (Registered ID # Labeled)
- Site Boundary
- Tucson Water Company Service Area



FILE NAME: RRT-12\_wells.mxd  
SOURCE: Pima County DOT GIS, 2009

**Exhibit II.F.2.b: Water Service Letter**

October 15, 2009



The Planning Center  
110 S. Church., Ste 6320  
Tucson, AZ 85701

Attn: Kelly Lee

**CITY OF  
TUCSON**  
TUCSON WATER  
DEPARTMENT

**SUBJECT: Water Availability for project: Speedway Recycling Facility , APN: 13311002T, 13311002Q, 13311002R, Case #: N/A, T-14, R-15, SEC-05, Lots: 9999, Location Code: , Total Area: 45.1ac Zoning: R-2 & SR**

**WATER SUPPLY**

*Tucson Water will provide water service to this project based on the subject zoning of the above parcels. Tucson Water has an assured water supply (AWS) designation from the State of Arizona Department of Water Resources (ADWR). An AWS designation means Tucson Water has met the criteria established by ADWR for demonstration of a 100-year water supply – it does not mean that water service is currently available to the subject project.*

**WATER SERVICE**

The approval of water meter applications is subject to the current availability of water service at the time an application is received. The developer shall be required to submit a water master plan identifying, but not limited to: 1) Water Use; 2) Fire Flow Requirements; 3) Offsite/Onsite Water Facilities; 4) Loops and Proposed Connection Points to Existing Water System; and 5) Easements/Common Areas.

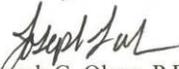
*Any specific area plan fees, protected main/facility fees and/or other needed facilities' cost, are to be paid by the developer. If the existing water system is not capable of meeting the requirements of the proposed development, the developer shall be financially responsible for modifying or enhancing the existing water system to meet those needs.*

***This letter shall be null and void one year from the date of issuance.***

**Issuance of this letter is not to be construed as agency approval of a water plan or as containing construction review comments relative to conflicts with existing water lines and the proposed development.**

If you have any questions, please call New Development at 791-4718.

Sincerely,

  
Joseph G. Olsen, P.E.  
Engineering Manager  
New Development Unit

JGO:bjp  
CC:File



NEW DEVELOPMENT • P.O. BOX 27210 • TUCSON, AZ 85726-7210  
(520) 791-4718 • FAX (520) 791-5288 • TTY (520) 791-2639 • www.cityoftucson.org



## **G. Major Transportation and Circulation**

### **1. Adjacent Roadways**

Access to the Speedway Landfill is via a traffic light at Speedway Boulevard and Prudence Road. North Prudence Road, a dedicated street, provides access to the landfill, the City of Tucson Operations Center and the apartment complex just south of the project site.

### **2. Current and Future Right-of-Way**

North Prudence Road has a current and future 30-foot right-of-way adjacent to the project site. According the MS&R Map, the current and future right-of-way for Speedway Boulevard is 120 feet.

### **3. Access Points**

Access to the Speedway Landfill is via the signalized Speedway Boulevard/Prudence Road intersection. North Prudence Road also provides access to the City of Tucson Operations Center (a storage facility for construction and maintenance vehicles and materials), in addition to a multi-family apartment complex.

Currently there exists a 200-foot easement for ingress/egress and utilities for the City of Tucson near the southern boundary of the project site.

### **4. Alternate Modes of Transportation**

SunTran offers easy access from Speedway Landfill to an existing public transit route, Speedway Route # 4. The route incorporates a planned stop at Speedway Boulevard and Prudence Road, which is just south of the facility. A bike lane is also located along Speedway Boulevard.



**5. Major Streets and Routes**

Speedway Boulevard is classified as an Arterial Street by the City of Tucson Major Streets and Routes (MS&R) Plan and is, therefore, subject to the requirements of the MS&R Ordinance. The transportation network surrounding the project site is indicated on Exhibit II.G: Existing Circulation, page 28; attributes of the adjacent roadways are summarized below in Table II.G: Roadway Characteristics. Additional information regarding traffic volumes and levels of service has been provided in the Speedway Recycling and Landfill Facility Traffic Analysis prepared by Curtis Lueck & Associates.

**Table II.G: Roadway Characteristics**

Roadway	Functional Class	# Lanes	Divided	Bike Route	Bus Route	Curb & Gutter	Sidewalk	Paved	Average Daily Trips
North Prudence Road	Local	2	No	No	No	Yes	Yes	Yes	Not Available
East Speedway Boulevard	Arterial	6	Yes	Yes	Yes	Yes	Yes	Yes	Kolb Road to Pantano Road: 46,000 (2006)



Exhibit II.G: Existing Circulation



LEGEND

- Site Boundary
- One-Mile Radius
- Scenic Corridor Streets (PC)
- Bicycle Routes
- Bus Routes (Sun Tran)



FILE NAME: RRT-12\_traffic.mxd  
SOURCE: Pima County DOT GIS, 2009

## H. Hydrology, Water Resources and Drainage

The 45-acre site has been previously developed as a construction debris material landfill. The improvements include areas for material sorting, material storage and administrative buildings. The central portion of the site has been excavated to a depth of 80 feet in some areas, with the excavated material stored in large berms on the west, north and east sides of the site. According to a preliminary analysis, there is one significant off-site watershed and several minor on-site watersheds that affect the property.

The major off-site watershed, an unnamed wash, enters the site at the southeast corner and crosses the southern edge of the property. It has an approximate design flow of 1050 cfs. The regulatory floodplain for this wash is contained within the banks of the channel. The drainage channel continues to the Pantano Wash west of the site.

As indicated on Exhibit II.H.1: Existing Hydrology, page 30, there are four on-site watersheds. The largest watershed is the excavated portion of the site within the berms. The rain falling on this portion of the project flows to the low point of the excavation. Two small watersheds drain the western portion of the site. The northwest watershed has a flow of 13 cfs and southwest watershed has a flow of 31 cfs. Both flow to the west onto the adjacent landfill. The fourth watershed drains from the area south of the southern berm into the channel. It has a flow of 4 cfs.

As shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 04019C2252, Panel Number 2252 dated February 8, 1999 (Exhibit II.H.2: FEMA FIRM, page 31), the project site is located in Zone X. FEMA defines Zone X as areas outside of the area subject to a 500-year flood event.



**Exhibit II.H.1: Existing Hydrology**



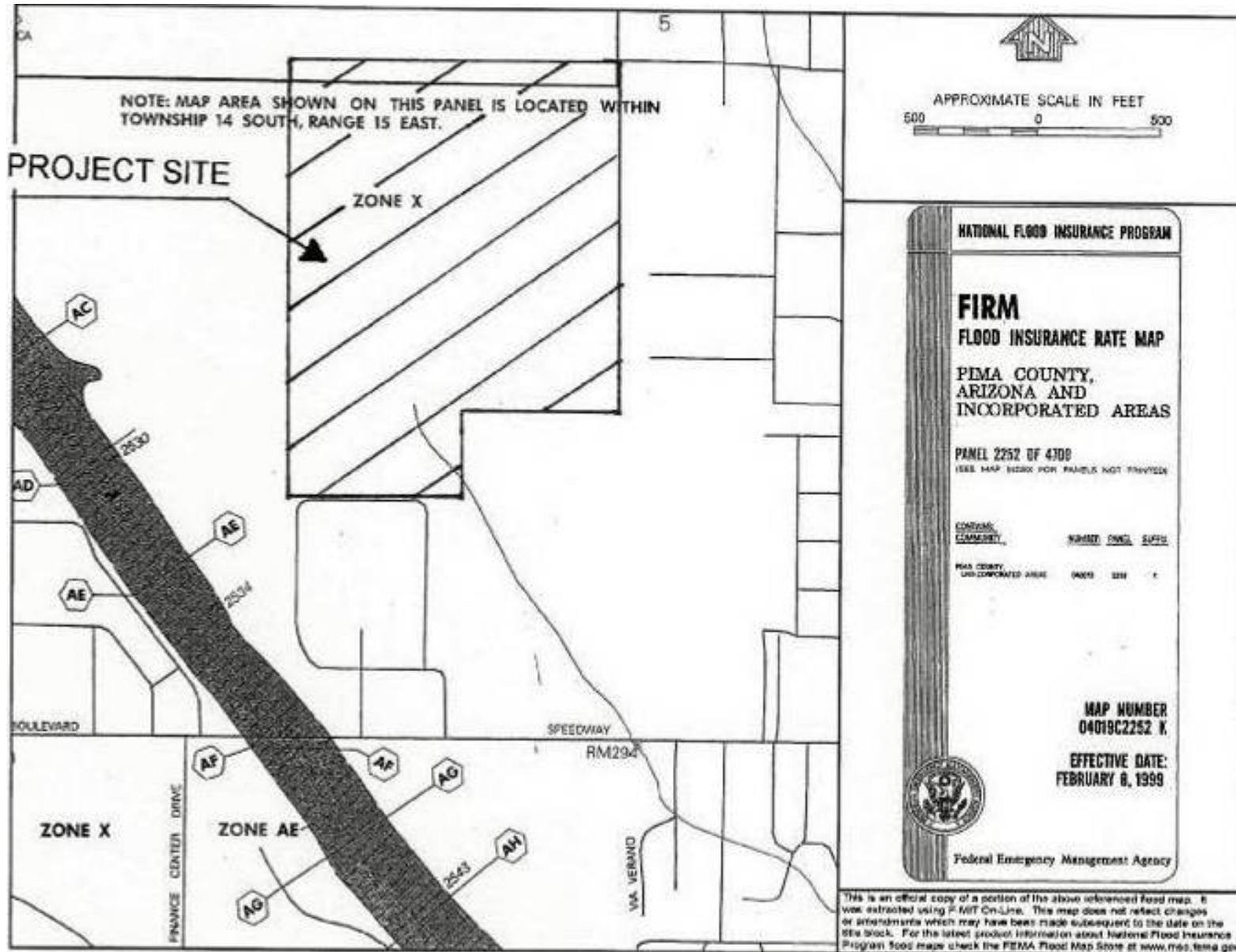
**Legend**

- Site Boundary
- 1' Contours
- Watershed Boundary
- Flow Arrows



FILE NAME: RRT-12-EXHIBITS.DWG PREHYDRO

Exhibit II.H.2: FEMA FIRM



## **I. Topography and Slope**

In the mid-1960s, the project site began as a sand and gravel operation, and simultaneously in the 1980s, the operation of the construction materials landfill commenced. Thus the topography is continually changing. Due to the nature of landfill operations, there are areas of the site which contain slopes that measure 15 percent and greater. Currently, the elevations on the property range from 2,570 feet along the north and west boundaries and 2,540 feet along the south and east boundaries, to a low point of approximately 2,460 feet in a portion of the landfill near the northwest corner of the site. Existing topography at 1-foot contour intervals is shown in Exhibit II.I: Existing Topography on page 33.

There are no Hillside Conservation areas or rock outcroppings on the subject property.

## **J. Vegetation**

The project site has been completely graded and all of the native vegetation has been removed.

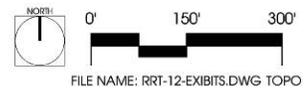
According to the Sonoran Desert Conservation Plan (SDCP) MapGuide, the site is designated as “Developed/Bare Ground.”



Exhibit II.I: Existing Topography



Legend  
--- Site Boundary  
— 1' Contours



## K. Soils

The information provided in this section is based on best data available from the Soil Survey for Pima County, Arizona, Eastern Part, 1999 and generalized soil maps based on Soil Survey data available through Pima County Department of Transportation. According to these sources, the site contains five soil types. Each of these types is generally composed of a loam substance. All on-site soils are well drained and are compatible with development, given proper engineering design. None of the soils possess a major hazard to erosion.

Exhibit II.K: Soils, page 36, shows soils associations within the project area. The following descriptions from the United States Department of Agriculture Natural Resources Conservation Service (NRCS) Soil Survey for Pima County provide information about the characteristics of each soil.

### Mohave Soils and Urban Land, 1 to 8 Percent Slopes

This map unit is on broad, gently sloping fan terraces shallowly dissected by ephemeral drainageways. This unit has no regular pattern. Included in this unit are small areas of Bucklebar, Sahuarita and Tubac soils intermingled with the Mohave soils, Hantz soils in drainageways and Yaqui soils on alluvial fans. Low-lying areas along the drainageways are subject to very brief seasonal periods of flooding. The Mohave soil is very deep and well drained with moderately slow permeability. Available water capacity is high and effective rooting depth is 60 inches or more. Runoff is slow to medium, and the hazard of water erosion is slight to moderate. The hazard of wind erosion is moderate.

### Pinaleno-Stagecoach-Palos Verdes Complex, 10 to 35 Percent Slopes

This map unit is moderately steep with steep fan terraces and relict fan terraces. The unit is 35 percent Pinaleno very cobbly sandy loam, 35 percent Stagecoach very gravelly sandy loam, and 15 percent Palos Verdes gravelly sandy loam. Typically, the surface is covered by 30 percent cobble and stones and 20 percent gravel. The surface layer is brown very cobbly sandy loam about 2 inches thick. The upper 28 inches of the subsoil is reddish brown and red extremely cobbly sandy clay loam. The lower 30 inches is pink extremely gravelly sandy clay loam. The Pinaleno soil is very deep and well drained. Permeability is moderately slow and available water capacity is low. Effective rooting depth is 60 inches or more. Runoff is medium to rapid and the hazard of water erosion is moderate. The hazard of wind erosion is very slight.

### Pits, Dumps

This unit is on hills and mountains. Slopes range from 0 to over 100 percent. This unit is 40 percent open pit mines, 20 percent extremely stony waste rock dumps, and 15 percent mine-tailing impoundments and mine support facilities such as buildings, equipment yards, and dike-enclosed undisturbed areas that will be used for future tailing ponds. Also in this unit are about 10 percent sanitary landfills and pits for source materials, such as sand, gravel and crushed limestone. About 8 large open-pit copper mines are located south and west of Tucson primarily in the Sierrita and Silver Bell Mountains. Included in this unit are small areas of Anklam and Pantano soils on volcanic hills, Romero soils on granite hills, Saguaro soils on limestone hills, and small



areas of Hayhook, Palos Verdes and Pinaleno soils of fan terraces. Also included are small areas of Torriorthents in areas of reclaimed dumps.

Glendale Silt Loam, 0 to 3 Percent Slopes

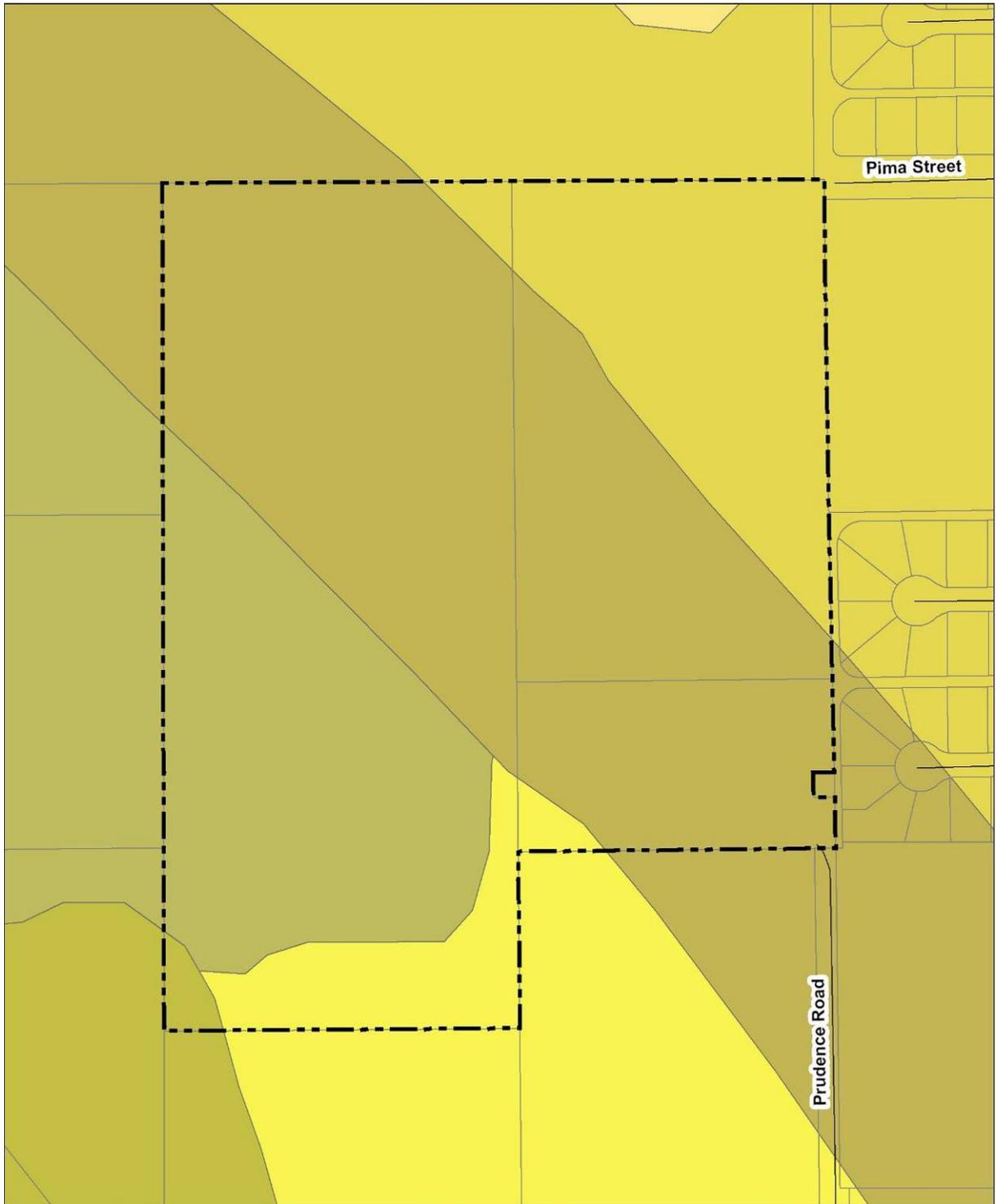
This very deep well drained soil is on nearly level stream terraces. It formed in mixed alluvium. Included in this unit are small areas of Arizo soils and riverwash in drainageways. Also included are small areas of Anthony and Yaqui soils. Included areas make up about 20 percent of the total acreage. Permeability of the Glendale soil is moderately slow. Available water capacity is high. Effective rooting depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight. This soil is subject to rare flooding during prolonged, high-intensity storms. Channeling and deposition are common along streambanks. The hazard of wind erosion is moderate.

Arizo-Riverwash Complex, 0 to 3 Percent Slopes

This map unit is on nearly level floodplains, consisting of 50 percent Arizo gravelly loamy sand and 20 percent Riverwash. Arizo soils and Riverwash occupy bar and channel flood plain physiography. Arizo soils are on higher-lying bars, and Riverwash is in the channel bottoms. Included in this unit are small areas of nearly vertical scarps that have Glendale and Anthony soils on flood plains and stream terraces above Arizo soils. The Arizo soil is very deep and excessively drained, with very rapid permeability and low available water capacity. Effective rooting depth is 60 inches or more and runoff is very slow. Hazard of water erosion is very high during flash floods and the soil is subject to frequent but brief periods of flooding in both the summer and winter seasons.



**Exhibit II.K: Soils**



**LEGEND**

Site Boundary

**Soil Survey**

Arizo-Riverwash Complex

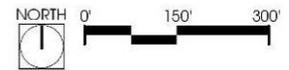
Glendale Silt Loam

Mohave Soils and Urban Land

Pinaleno-Stagecoach-Palos Verdes Complex

Pits, Dumps

Tubac Gravelly Loam



FILE NAME: RRT-12\_soils.mxd  
SOURCE: Pima County DOT GIS, 2009



## L. Viewsheds and Visual Analysis

The Speedway Landfill is located in a developed area, surrounded by a closed landfill, the Udall Park, City of Tucson Operations Center, schools, single-family residences and multi-family apartment complexes. The following photographs show existing views onto and across the project site. Exhibit II.L: Photo Key Map, page 40, indicates the locations from which the photos were taken.

### 1. Views Onto the Site

Due to berming and landscape borders, the eastern portion of the site is well screened from the adjacent residences and school.



*Photo 1: Site Entrance  
from North Prudence Road*



*Photo 2: Landscape borders on  
eastern portion of site*

A large berm screens the northern portion of the site from Udall Park. The portion of Udall Park adjacent to the site is not developed and remains naturally vegetated.



*Photo 3: View looking north at Udall Park from  
berm at Speedway Recycling Facility*



The western portion of the site adjacent to the Mullins Landfill consists of a road offering access for the City of Tucson as well as a berm.



*Photo 4: City of Tucson's Mullins Landfill (right)*

Views onto the southern portion of the site are well-screened with a thick layer of bamboo plantings in addition to a berm.



*Photo 5: View looking from southern portion of the site toward the Haystack Apartment Complex*

## 2. Views Across the Site

Views across the site are predominant due to the inverted topographic nature of the sites operations.



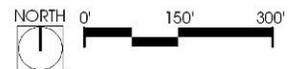
*Photo 6: Views Across Site*

Exhibit II.L: Photo Key Map



**LEGEND**

-  Site Boundary
-  Photo ID & location photo was taken



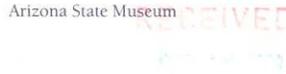
FILE NAME: RRT-12\_photokeymap.mxd  
SOURCE: Pima County DOT GIS, 2009

## **M. Paleontological and Cultural Sites, Structures and Districts**

The Arizona State Museum provided the following recommendations in a letter dated October 7, 2009: “Because the ground surface of the project area is highly disturbed from being used as a gravel pit and landfill since before 1999, the Arizona State Museum recommends that the project planned for the subject parcels proceed as planned without any additional archaeological work.” See Exhibit II.M: Arizona State Museum Letter, page 42.



Exhibit II.M: Arizona State Museum Letter



P.O. Box 210026  
Tucson, AZ 85721-0026  
Tel: (520) 621-6302  
Fax: (520) 621-2976

ARCHAEOLOGICAL RECORDS SEARCH RESULTS

E-mail Request Received: 10/1/2009

Search Completed: 10/7/2009

**Requester Name and Title:** Kelly Lee, Project Manager  
**Company:** The Planning Center  
**Address:** 110 S. Church, Ste. 6320  
**City, State, Zip Code:** Tucson 85701  
**Phone/Fax/or E-mail:** 623-6146

**Project Name and/or Number**  
Parcels 13311-002T, -002R, -002Q

**Project Description**  
Rezoning of 45-acre project site

**Project Area Location:** N of Speedway & W of Prudence, Tucson, Pima County, Arizona.

**Legal Description:** a portion of the E½, SW, S5, T14S, R15E, G&SR B&M, Tucson, Pima County, AZ.

**Search Results:** A search of the archaeological records retained at the Arizona State Museum (ASM) found that maybe 4 acres of the southern portion of the project area were inspected for cultural resources in 2004; the remainder of the project area has never been inspected for cultural resources. Forty-six additional archaeological inspections have been completed within a mile of the project area between 1975 and 2009. Eleven historic and prehistoric cultural resources have been identified within a mile of the project area. A color orthophotograph, enclosed, taken in 2008, depicts a highly modified ground surface that is identified as the Speedway landfill.

**Sites in Project Area:** unknown, the project area has never been entirely inspected for cultural resources.

**Recommendations:** Because the ground surface of the project area is highly disturbed from being used as a gravel pit and landfill since before 1999, the ASM recommends that the project planned for the subject parcels proceed as planned without any additional archaeological work.

Pursuant to *Arizona Revised Statutes* §41-865, however, if any human remains or funerary objects are discovered during the project work, all effort will stop within the area of the remains and Mr. John Madsen, ASM associate curator of archaeology, will be contacted immediately at (520) 621-4795.

If you have any questions about the results of this records search, please contact me at the letterhead address or at the phone number or E-mail address as follows.

Sincerely,

Nancy E. Pearson  
Assistant Permits Administrator  
(520) 621-2096 P/F  
[nepearso@email.arizona.edu](mailto:nepearso@email.arizona.edu)



# PAD Proposal



### **III. PAD Proposal**

#### **A. Speedway Recycling Facility PAD Designations**

The Speedway Recycling Facility consists of a single zoning district based on a modified I-2 Zone. The Construction Landfill & Recycling land use designation encompasses the footprint of the existing landfill and ancillary uses. Uses within this zone may include business operations, construction landfill operation, construction waste recycling, crushing, screening and storage of inert materials, green waste mulching, material sales and excavating, nursery, product wholesale and reprocessing, biofuel production, single-stream recycling, and sorting and baling. See Section III.B for a complete listing of permitted land uses.

A 100-foot construction waste and demolition debris setback prohibiting the storage or landfill of construction, demolition and landscape waste is included on the eastern and southern property boundaries so as to provide a transition to adjacent residential land uses. Permitted uses within the 100-foot setback include: a 35-foot landscape border featuring permanent landscaping; a plant nursery where salvaged plant materials will be placed in pots or planted in the ground and will be available for purchase by customers; a perimeter road; business operations; inert material excavation, landfill and storage; and biofuel production.

A 20-foot landscape border will also be installed along the northern boundary of the PAD adjacent to Udall Park. Within the 100 feet along the western boundary of the property abutting the City of Tucson's Vincent Mullins Landfill, material storage and supply is permitted.

A proposed site plan (Exhibit III.A.1: Land Use Concept, page 45) is provided to illustrate the conceptual configuration of uses within the Speedway Recycling Facility PAD. While activities within each use may move around as landfill and recycling operations evolve on the site, the locations of these activities will stay within the use boundaries as defined on Exhibit III.A.1: Land Use Concept, page 45.

Exhibit III.A.2 on page 46 provides a detail Future Land Use Concept of the recycling area for the property. It illustrates the ultimate goal of the Speedway Recycling Facility Owner/Operator to provide an enclosed structure for the construction waste and demolition debris (C&D) tipping floor, and sorting, bailing and single stream recycling activities.



Exhibit III.A.1: Land Use Concept

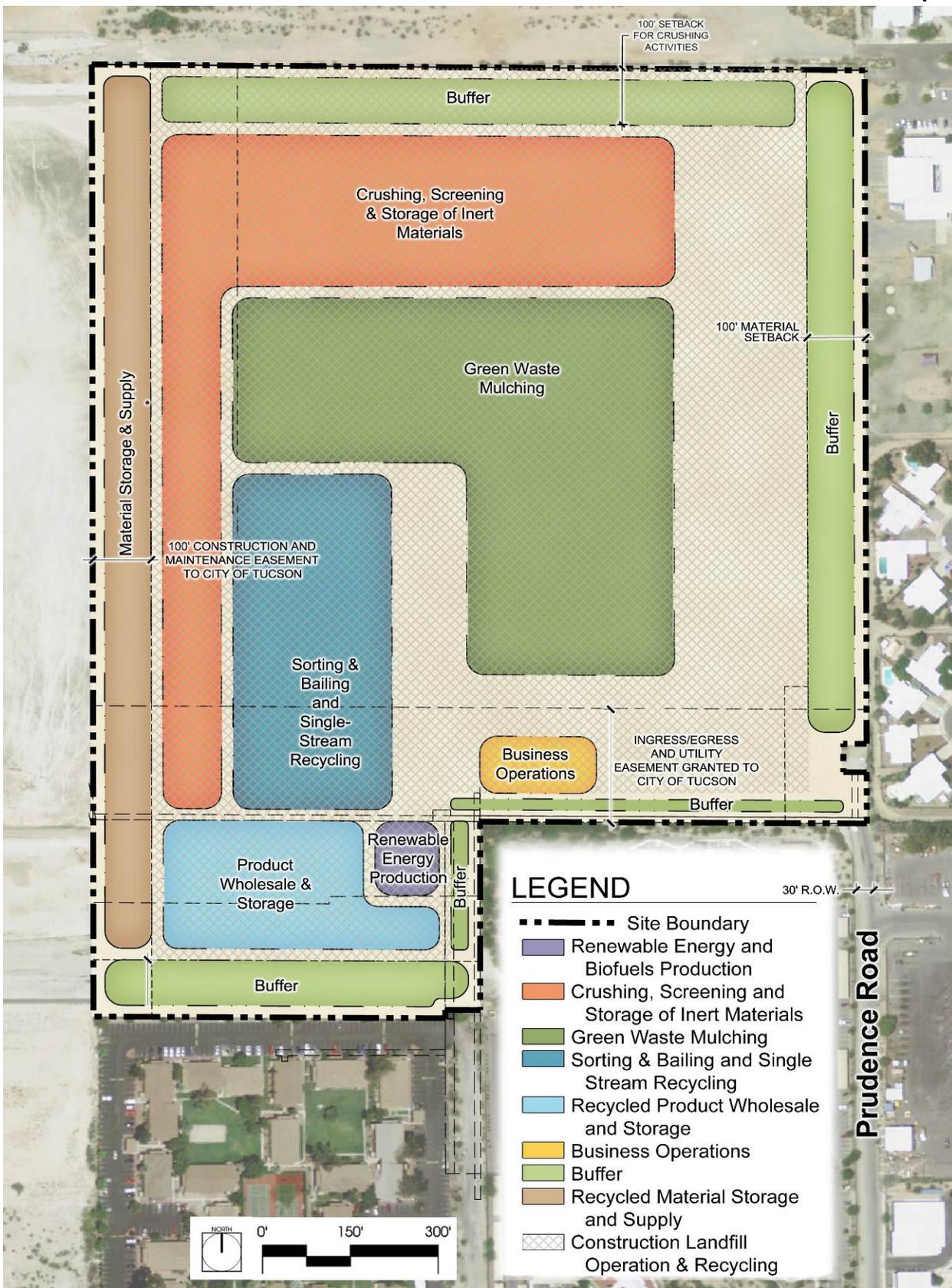
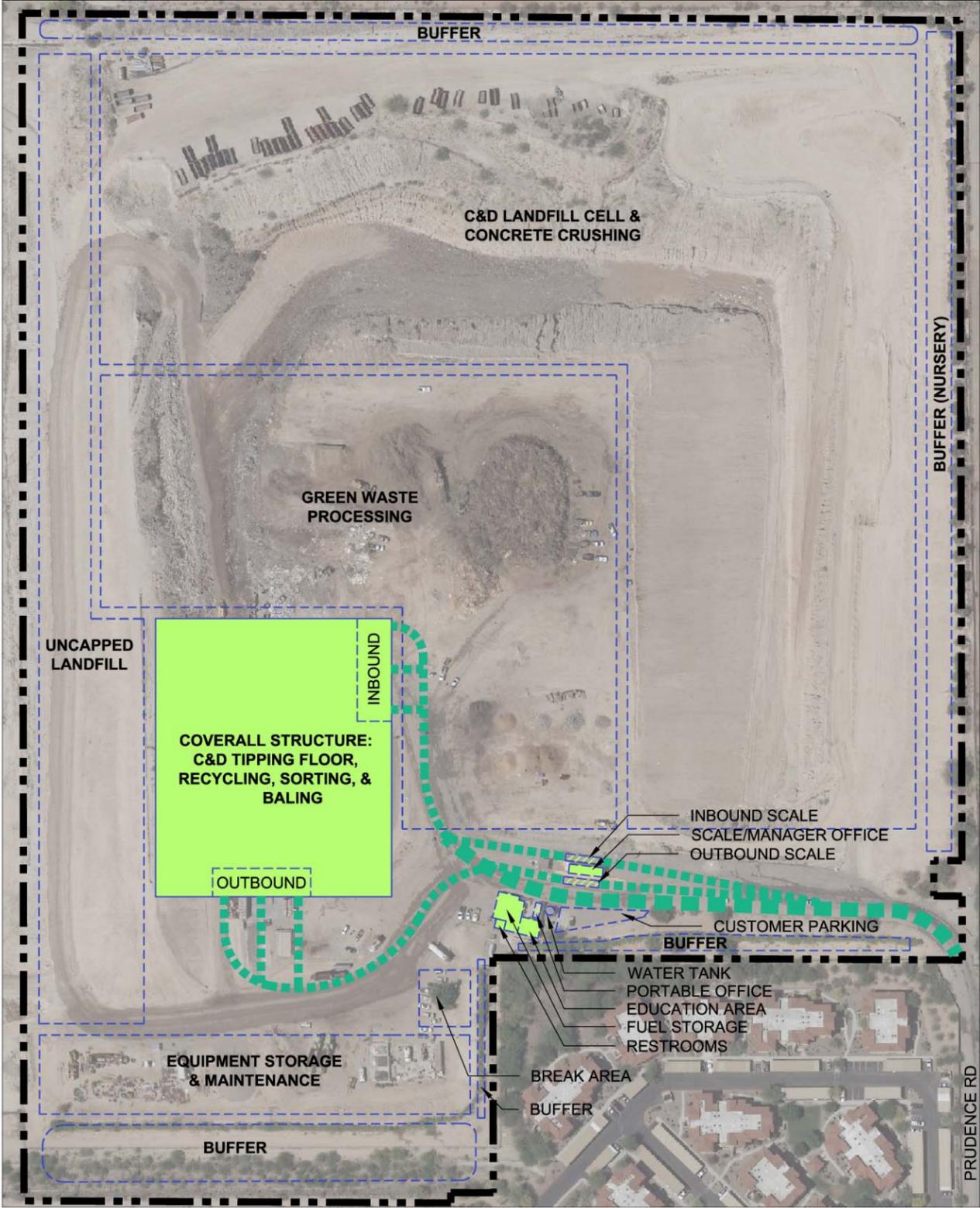
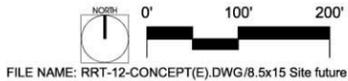


Exhibit III.A.2: Conceptual Bailing, Single Stream Recycle Area Concept



- LEGEND**
- +—+—+— Site Boundary
  - Major Circulation
  - Minor Circulation
  - - - - - Site Use
  - Building
  - ▨ Other Structure/Feature



FILE NAME: RRT-12-CONCEPT(E).DWG/8.5x15 Site future

## B. Permitted Land Uses

Permitted uses must comply with the performance criteria listed in *Unified Development Code* Section 4.9.5.C.6 (see Table III.C). No other performance criteria or development designators shall apply except as included herein. All development at completion of the build-out will have to meet PAD standards. All uses not expressly listed as primary or secondary uses are prohibited.

Exhibit III.A.1: Land Use Concept (page 45) illustrates the potential configuration of uses within the Speedway Recycling Facility PAD. Activities within each use may be relocated as landfill and recycling operations evolve on the site; however, the locations of these activities will stay within the use boundaries defined on the Land Use Concept (Exhibit III.A.1, page 45).

### 1. Primary Uses

#### Existing Uses

- **Construction Landfill & Recycling**

The following primary uses must occur at least 100 feet from any nonindustrial zone:

- Landfill (Construction, Demolition and Landscape Waste Only)
  - Typical uses include, business operations, construction landfill operation, construction waste recycling; reclamation, crushing, screening, green waste mulching, material sales, product wholesale and reprocessing, single-stream recycling, and sorting and baling. (Excavation and backfilling of inert materials will occur within the 100-foot construction waste and demolition debris setback zone in order to bring the setback to permitted closure grades).
- Salvaging & Recycling
- Typical uses include, but not limited to, construction waste recycling, crushing, screening and storage of inert materials, green waste processing, material excavation and reprocessing, recycled material storage and supply, single-stream recycling, soil excavation and sales, and sorting and baling.



- **Retail Trade Use Group**
  - Construction Material Sales
    - Typical uses include, but not limited to, sale of aluminum, aggregate, bricks, cardboard, copper, compost, concrete, dirt, gravel, landscaping supplies, lumber, mixed inerts, mulch, pallets, plastic, rock, soil, sand, wood and other materials used in the construction industry.
  - Heavy Equipment Sales
    - Typical uses include, but not limited to, Allowed uses are sale of landfill/recycling equipment, such as bailers, compactors, shredders and conveyors
- **Wholesaling Use Group**
  - Business Supply and Equipment Wholesaling
    - Typical uses include, but not limited to, wholesaling of aluminum, aggregate, cardboard, compost, copper, bricks, concrete, dirt, gravel, landscaping supplies, lumber, mixed inerts, mulch, pallets, plastic, rock, soil, sand, wood and other materials used in the construction industry.
  - Construction/Heavy Equipment Wholesaling
    - Typical uses include, but not limited to, wholesaling of landfill/recycling equipment distributors, such as bailers, compactors, shredders and conveyors

### **Future Uses**

- **Agricultural Use Group**
  - Crop Production
    - limited to nurseries

## **2. Secondary Uses**

Secondary uses permitted at the Speedway Recycling Facility will allow for those operations that are necessary at the facility in order to divert materials from entering the landfill and increase the facility's recycling efforts. The area devoted to the Secondary Land Use shall not exceed twenty-five (25) percent of the PAD District.

The following uses are permitted as secondary uses within the Speedway Recycling Facility PAD:

### **a. Civic Use Group**

- Civic Assembly
  - Civic Assembly will allow the facility to educate the public and students in regard to recycling and sustainable practices. Typical uses include, but not limited to,

community education seminars, school field trips, and landfill operator classes

**b. Commercial Services Use Group**

- Administrative and Professional Office
- Building and Grounds Maintenance
- Food Service
  - Typical uses include, but not limited to, mobile food and beverage carts to service landfill/recycling customers and employees
- General Merchandise Sales
  - Typical uses include, but not limited to, a plant nursery
- Research and Product Development
  - Typical uses include, but not limited to, wood fuel pellet production, recycled building block construction, and firelog manufacturing

**c. Storage Use Group**

- Commercial Storage
  - Typical uses include warehouses and storage yards for construction materials and recycled products, such as aluminum, aggregate, cardboard, copper, bricks, concrete, dirt, gravel, landscaping supplies, lumber, mixed inerts, mulch, pallets, plastic, rock, soil, sand, wood and other materials used in the construction industry.

**d. Renewable Energy**

- Allowed uses are passive solar generation and biofuel production. Biofuel production shall be conducted in an enclosed structure.

**3. Accessory Land Uses**

Land uses accessory to the Primary or Secondary Land Uses are permitted, subject to the provisions in *Unified Development Code*.

**4. Excluded Land Uses**

Land uses not listed as a Primary or Secondary use, or land uses that are not an accessory to the Primary or Secondary use, are prohibited within the Speedway Recycling Facility PAD.



## C. PAD Development Standards

The Speedway Recycling Facility PAD seeks to conform to the plan goals and policies established in the Pantano East Area Plan and to provide appropriate transitioning to surrounding development through the use of development standards. The following standards apply to the development of buildings, landscape borders and buffering for all permitted uses within the PAD. In addition, certain permitted uses are restricted to specific areas of the site so as to provide appropriate buffers to adjacent development. See Exhibit III.A.1: Land Use Concept, page 45.

These standards will supersede the standards in the Universal Development Code (UDC) and its supplements (supporting documents) in accordance with UDC Sec. 3.5.5, except where specific references to such standards are provided in this section of the document.

### 1. PAD Development Standards

**Table III.C: PAD Development Standards**

<b>Minimum Site Area</b>	None
<b>Maximum Lot Coverage</b>	None
<b>Maximum Floor Area Ratio</b>	None
<b>Maximum Building Height</b>	50 feet
<b>Landscape Borders</b>	See PAD Section III.D
<b>Minimum Building Setback from Property Lines along Perimeter of PAD Boundary</b>	100 feet
<b>Performance Criteria, all permitted uses</b>	UDC Section 4.9.5.C.6

### 2. Parking Requirements

The following parking requirements will be provided at the Speedway Recycling Facility PAD. No other parking will be required.

- **Motor Vehicle Parking at the Administrative Office:** One (1) space per three hundred (300) square feet of office area.
- **Motor Vehicle Parking at Sorting & Baling Recycling Area:** One (1) space per twenty thousand (20,000) square feet of area dedicated to the use.
- **Motor Vehicle Parking at Product Wholesale Area:** One (1) space per twenty thousand (20,000) square feet of area dedicated to the use.
- **Bicycle Parking:** Two (2) spaces of Class 2 bicycle parking will be provided at the Administrative Office.



- **Handicap Parking:** To be provided at the Administrative Office per number required in IBC Section 1106.
- **Parking Area Access Lanes (PAALS) and Road Widths:** PAALS and roads will be a minimum of 20 feet in width.
- **Paving Exemption:** Parking is not required to be paved but alternative methods consisting of decomposed granite, gravel or recycled asphalt shall be used. The chosen treatment method shall be maintained over time and replaced as the gravel wears down and becomes less effective in controlling particulates. Dust control measures shall include watering the area as necessary and during the application of the gravel and restricting vehicle speed limit in parking areas.

### 3. Off-Street Loading Requirements

No designated off-street loading spaces are required by the Speedway Recycling Facility PAD. Any off-street loading that is provided will comply with the *Land Use Code*, Division 4. Off-Street Loading Requirements.

### 4. Pedestrian Circulation

The Speedway Recycling Facility PAD will provide pedestrian connectivity as suggested by the Development Standard 2-08 from the facility's entrance on North Prudence Road to the Administrative Building. Due to the types of uses on the site, no other areas within the development are required to be connected to the pedestrian circulation path for safety purposes.

Sidewalks will be constructed to comply with LUC Section 3.2.8.4: Pedestrian Facilities and the corresponding Development Standards requirements for building, street and parking connectivity, as well as American Disability Act (ADA) requirements, with the following modifications:

- Sidewalks shall be a minimum of 3 feet wide excepts where adjacent to a structure, wall or fence. Sidewalks adjacent to a structure, wall or fence shall be a minimum of 4 feet wide.
- Sidewalks may be constructed with decomposed granite, asphalt millings or concrete.

### 5. Accessibility

All new additions and existing modifications of the PAD District will comply with ADA by adhering to the 2006 IDC, Chapter 11 and ICC/ANSI 1117.1, 2003 Edition. All existing structures that are currently not ADA compliant will remain as is until the structure has been modified or renovated. The improvements to the PAD District will be privately funded and will comply with the ADA standards for curb ramps, sidewalks, detectable warnings and marked crosswalks. See Exhibit III.F.1: Circulation Plan, page 72.

Handicapped parking will be provided at the Administrative Office in accordance with ADA requirements from the 2006 IBC, Chapter 11 and ICC/ANSI 117.1, 2003 Edition. Accessible spaces and "Van Accessible" spaces will connect to



the accessible route as required by the 2006 IBC, Chapter 11 and ICC/ANSI 117.1, 2003 Edition. Newly constructed and modified sidewalks, detectable warnings and curb ramps will comply with accessibility requirements as required.

## **6. Mitigation Techniques**

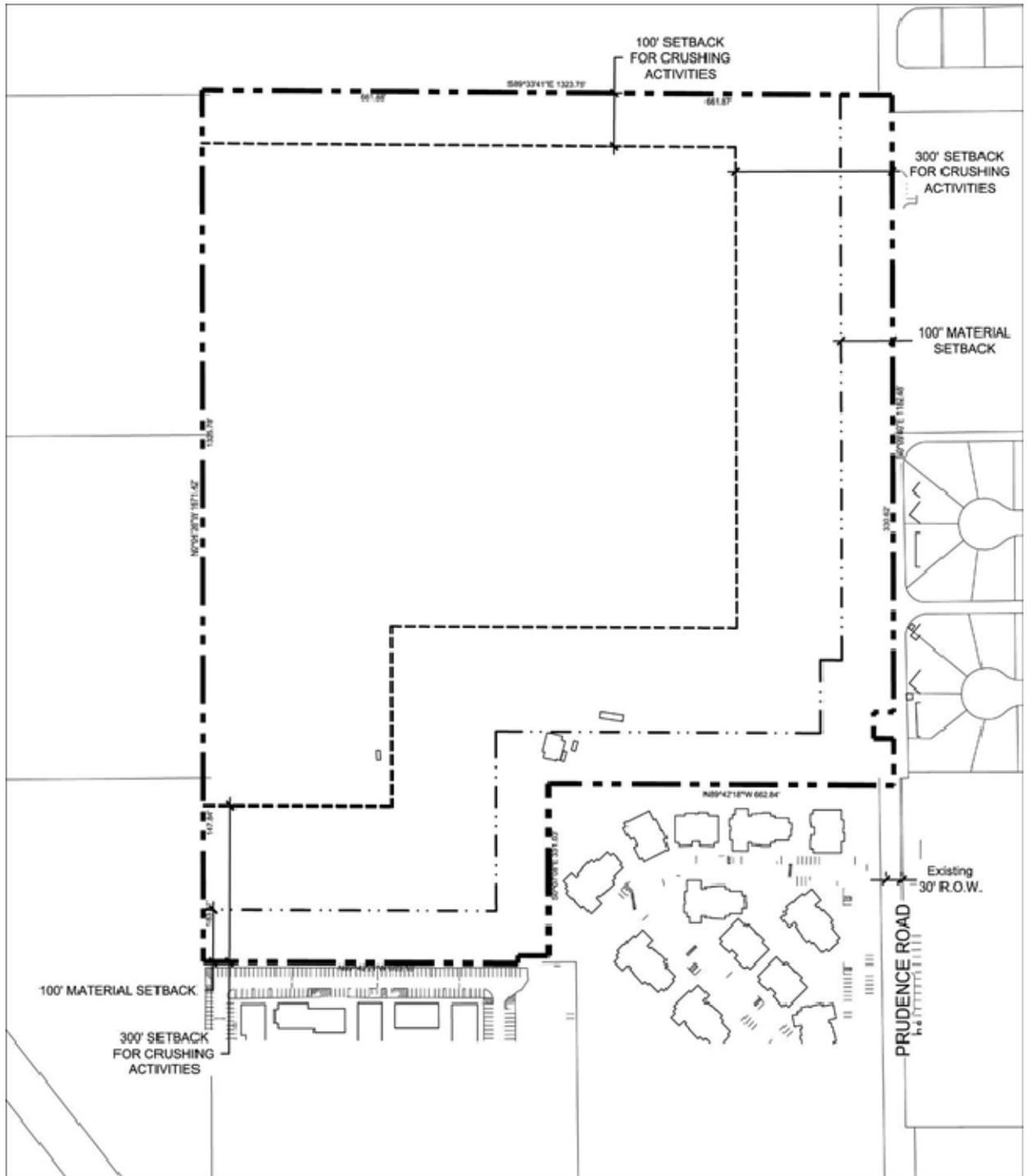
The Speedway Recycling Facility ensures the protection of adjacent development by siting uses appropriately within the PAD, adequately buffering adjacent properties from various activities taking place within the Speedway Recycling Facility and employing mitigation techniques for dust, odor, and noise. The current and future facility uses best management practices for dust, odor, and waste. The following development standards are designed to meet Plan Goals and Implementation Techniques outlined in the Pantano East Area Plan

### **a. Separation from Adjacent Land Uses**

- Landfill, salvaging & recycling and mechanized sorting & baling must be set back 100 feet from any residential use.
- On-site crushing activities must be set back 100 feet from the northern property boundary and 300 feet from the eastern and southern property boundaries.
- Within the 100-foot Construction Waste and Demolition Debris Setback located on the eastern and southern property boundaries, no construction, demolition or landscape waste may be stored or landfilled. However, inert materials may be excavated, landfilled and stored in that area. A plant nursery, perimeter road, business operations, soils excavation, reclamation, backfilling and solar panels may occur within the construction waste and demolition debris setback.
- Mechanized Sorting and Baling Operations must be setback at least 100 feet from the eastern and southern property boundaries. Given the setback of existing residential development, this will ensure that the mechanized sorting and baling operations will actually be set back 300 feet from all existing residential structures.
- See Exhibit III.C: Setback Requirements, page 53.



**Exhibit III.C: Setback Requirements**



**Legend**

-  Site Boundary
-  Setback for Crushing Activities (100' along north property line; 300' along east & south property lines)
-  Adjacent Parcels
-  100' Setback for landfill, salvaging and recycling, mechanized sorting and bailing, construction material sales, and sand and gravel sales.



**b. Noise**

- General Hours of Operation to be Monday through Saturday, 7:00am to 7:00pm. Retail sales and facility maintenance can occur Sundays, 7:00am to 7:00pm. No Processing, crushing, landfill activities, or excavation will occur on Sundays. Noise barriers must be erected around crushing operation equipment so that it does not exceed the maximum decibel levels as identified in Tucson Code section 16-31.
- Noise barriers may consist of stockpiled material, berms and/or reflective or absorptive walls.
- Stockpiled material may contain piles of rock, sand, gravel and other materials.
- While the main purpose of an earthen berm is to provide a physical and visual screen between the Speedway Recycling Facility and adjacent properties, berms will also serve to help keep the noise down in the community.
- Because crushing activities will move around the site, noise barriers may be temporary in nature and will be constructed to move with those activities.

**c. Dust**

- Sprinklers, a water truck, fans with a built-in misting system or other effective means shall be provided to control dust during operation of mechanized sorting and bailing equipment.
- A fine water spray on soil stockpiles and soil-covered work areas may be applied when operating conditions result in fugitive dust.
- Enclosed buildings will be equipped with a sprinkling system to be used during the sorting of materials.
- Planting and maintenance of vegetation in the landscape border area will help mitigate dust.
- The main access road to the landfill modules is paved with asphalt from the site entrance to the scales, and decomposed granite is used to a point approximately 200 feet beyond the scales.
- Haul roads will be properly maintained through adequate grading and dust control by means of a water truck or other effective method.

**d. Odors**

Waste types accepted at the Speedway Recycling Facility are not typically odorous. However, during landfill operation, daily and intermediate cover will be used to control odors, in compliance with the Arizona Department of Environmental Quality Aquifer Protection



Permitting requirements. Odor neutralizers will be used as necessary.

- Submission of an Odor Control Plan that incorporates best management practices to prevent migration of odors beyond the property line. The Odor Control Plan shall reflect standard industry practices with regards to odor prevention and mitigation. Revisions to the Odor Control Plan may be required if the plan is determined to be ineffective in controlling odors associated with facility operations.
- Initiate an Enhanced Odor Mitigation Plan using the best practices in odor mitigation that meets current and industry standards. The Enhanced Odor Mitigation Plan shall be on record approved by the City of Tucson. The Plan may be subject to changes per periodic review.

**e. Debris Containment**

- A daily and intermediate cover of earthen materials (or an approved alternate daily cover) a minimum of six (6) inches thick is currently, and will continue to be, provided at the Speedway Recycling Facility at the end of each operating day to control blowing litter. This will be performed in compliance with the Arizona Department of Environmental Quality Aquifer Protection Permitting requirements.
- In between applications of intermediate cover, the Operations Manager at the site is responsible for maintaining and ensuring debris containment. The Operations Manager will periodically perform debris containment inspections throughout the day, at least twice during operating hours.
- The outside storage of recyclables shall be limited to bailed plastic and glass. All other recyclables shall be stored inside an enclosed structure.
- The Speedway Recycling Facility PAD calls for an increased landscape border on the east and south sides of the site for the benefit of adjacent properties. This landscape border will not only provide screening benefits, but will also serve as debris containment, keeping blown materials from migrating to neighboring properties. Again, the Operations Manager at the site is responsible for maintaining debris within the site, including blown materials within the landscape border.
- Clients will be asked to cover their recyclables and waste prior to entering the facility. Clients who do not comply will be charged an additional fee at the weigh-in station.

**f. Fire**

- On January 5, 2010, the Tucson Fire Department's Fire Protection Plans Examiner of the Fire Prevention Division visited the

Speedway Recycling Facility and agreed to the following fire mitigation techniques:

- Prudence Road shall be a minimum of 20 feet in width. The Speedway Recycling Facility shall install double-sided “No Parking, Fire Lane” signs where Prudence Road narrows going into the facility. The signs will be double sided and staggered 100’ to the facility.
- The entry gate to the facility will be 30 feet wide and incorporate a fire lock box.
- Proposed onsite circulation (see Exhibit III.F.1: Circulation Plan, page 72) was designed to meet fire code requirements.
- The existing paved roadway in the facility meets fire code requirements with the addition of a 53-foot paved turn-around after the weigh-in station (see Exhibit III.F.1: Circulation Plan, page 72).
- The Cover-All structures, marketed by the Intertape Polymer Group, Product number FRU88X, that are planned for the Speedway Recycling Facility meet fire code requirements.
- One fire hydrant is required at the facility. A pipe may be added to the existing water tank (located near the Administration Building) that runs underground and into a fire hydrant to meet fire code requirements.
- Only one access point is required.

**g. Access Control**

- The facility and the adjacent Vincent Mullins Landfill are surrounded by perimeter fencing which is largely 6- to 8-foot-high chain link fencing. Lesser sections of the perimeter fence consist of 3-strand barbed wire fencing or 8- to 10-foot-high masonry brick wall. There is no access barrier between the Speedway and Vincent Mullins Landfills because the two sites share a perimeter fencing system.
- Access to the facility is through an entrance located in the southeast corner of the property boundary, which includes a gate that is locked after hours.
- A paved, all-weather access road is constructed from the site entrance at Speedway Boulevard through the scale area.
- Roads that are not paved within the facility are graded and maintained so that they can be traveled in inclement weather.

**7. Solid Waste Disposal and Recycling**

The Speedway Recycling Facility PAD will comply with solid waste pickup requirements per Development Standard 6.0. Solid waste will continue to be removed by a private company and transferred to the City of Tucson landfill for



disposal. Recycling generated onsite will continue to be recycled onsite as part of the facility's operations.

## **8. Arizona Department of Environmental Quality Aquifer Protection Permit**

In addition to the above mentioned mitigation techniques, the Speedway Recycling Facility must comply with the provisions of Arizona Revised Statutes (A.R.S) Title 49, Chapter 2, Articles 1, 2 and 3; Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Articles 1 and 2; A.A.C. Title 18, Chapter 11, Article 4; and amendments thereto. Under these provisions, the Speedway Recycling Facility is provided an Arizona Department of Environmental Quality Aquifer Protection Permit which specifies strict requirements regarding operations, monitoring, contingency planning, reporting and recordkeeping, and closure activities at the facility.

## **9. Material Storage**

Per the Settlement Agreement dated April 15, 2003, material storage is not permitted on the West 100 feet of the property site. However, material storage shall be allowed providing the Settlement Agreement dated 4/15/2003 is amended and that storm water run on and sediment control is contained to the Speedway Recycling Facility's property and access to the City of Tucson's Vincent Mullins Landfill is provided.

Recyclable materials may be stored at the facility for no more than 180 days. In addition, paper, cardboard, and plastics may be stockpiled to a maximum of 3,000 tons. There will be no limit to the amount of inert materials stockpiled.

## **10. Monitoring & Inspections**

Per a settlement agreement dated November 2006, page 3, the City of Tucson is responsible for:

*...the installation of methane extraction and monitoring wells at the Landfill to perform such methane monitoring as may be reasonable and necessary. In the event the City elects to extract methane, it shall do so at its own expense, have full ownership of the methane, and may dispose of the methane in any lawful manner.*

The site is a landfill and will be subject to inspection by the City of Tucson Environmental Services Department (ESD), in addition to routine fire inspections, on a quarterly basis, at minimum. ESD shall be notified each time a new permitted land use is introduced on the site, or with any building or utility permit application in accordance with City of Tucson Ordinance 10037, Sections 29-25 and 29-23, respectively.

In addition, the following will be required upon approval of the PAD:



- A slope stability analysis prior to excavation for any area within 100 feet of the property boundaries.
- A contingency plan to address handling of hazardous materials in that they are unearthed during the reclamation process. This includes notifications and proper management.

In addition, the Arizona Department of Environmental Quality (ADEQ) and Pima County Department of Environment Quality (PDEQ) have reviewed the existing Landfill Operation Plan (LOP) for the subject site. However, ADEQ and PDEQ have not reviewed the PAD application. LOP Approval Letters from ADEQ and PDEQ are found in Appendix B and C.



## D. Landscape Program

Landscaping requirements will comply with the City of Tucson Land Use Code, Section 3.7.2, Landscape and Screening Regulations, except as provided herein.

Approximately 2.0 acres is dedicated around the outer property boundary as a landscape border in order to provide adequate transitioning and buffering to adjacent development.

### 1. Use of Drought-Tolerant Vegetation

A landscape border is permitted consisting of plant material selected from the Drought Tolerant Plant List in Development Standard 2.16.0, the existing bamboo screen, and extending the bamboo screen at the Speedway Landfill Facility.

An oasis calculation shows that the existing bamboo screening covers 0.3 percent of the site, under the 2.5 percent of site area allowed. The existing bamboo screening will remain. Additional bamboo screening may be added to landscape borders with a maximum coverage of 2.5 percent of the site area. The bamboo screens are composed of three species, Timber Bamboo (*Bambusa edulis*), Black Bamboo (*Phyllostachys nigra*), and Pygmy Bamboo (*Pleioblastus pygmaeus*).

### 2. Landscape Borders and Screening Requirements

- A 35-foot landscape border is required along the northern, eastern and southern property boundaries.
- No interior landscape border is required on the western property boundary adjacent to the City of Tucson Vincent Mullins Landfill.
- Along areas of bamboo, canopy trees are not required as bamboo plants will provide the necessary visual buffer along the common property lines between adjacent land uses and the PAD.
- No screening within the interior of the PAD site is required between uses.
- Screening requirements along property boundaries will be met by earthen berms.
- There will be no screening along the western property boundary adjacent to the City of Tucson Vincent Mullins Landfill.
- A plant nursery may be established within the Construction Landfill & Recycling and Material Setback land use designations. The nursery may be located adjacent to, but not within, the required 35-foot landscape border.
- Earthen berms on site include steep slopes and will be covered with inorganic ground cover where possible. Seed mixes shall conform to Development Standard 2.16.0.



Per a settlement agreement with the City of Tucson dated April 2003, the following shall be provided:

- The existing berm located on the southern boundary shall be maintained in its existing condition, location and elevation.
- The existing berm located on the northern project boundary may be lowered or removed as part of the operations at Speedway Recycling Facility.
- The existing berm located on the eastern property boundary shall not be increased in elevation.

Specific landscape borders and screens are as follows (see also Exhibit III.D.1: Landscape Borders, page 62 and Exhibit III.D.2: Landscape Cross Sections, pages 63-65):

**Border#1**

- The existing bamboo screen and 10-foot berm shall remain; additional bamboo shall be planted to create a solid screen. A 35-foot landscape border shall be located along the top and outer side of the berm. The existing berm shall be hydroseeded and irrigated from the existing irrigation system.

**Border #2**

- The existing bamboo screen and 10-foot berm shall remain. If needed, bamboo or additional plants will be added to the 35-foot border located along the top and outer side of the berm. The existing berm shall be hydroseeded and irrigated from the existing irrigation system.

**Border #3**

- The existing bamboo screen and 10-foot berm shall remain. If needed, bamboo or additional plants will be added to the 35-foot border located along the top and outer side of the berm. The existing berm shall be hydroseeded along its south side and irrigated from the existing irrigation system.

**Border #4**

- The existing berm (12-foot height, 46-foot width) shall remain. Additional trees will be planted to meet the Land Use Code 3.7.2.4 requirement (1 tree every 33 linear feet). Existing trees shall be inventoried to determine the number of additional trees required. All trees within the 35-foot wide border located along the top and outer side of the berm shall count towards meeting the planting requirement. A new bamboo screen will be installed along the berm. The existing berm shall be irrigated from the existing irrigation system.
- A plant nursery may be established within the Construction Landfill & Recycling and Material Setback land use designations. The nursery



may be located adjacent to, but not within, the required 35-foot landscape border.

- This landscape border will be completed upon approval of the Development Plan.

**Border #5**

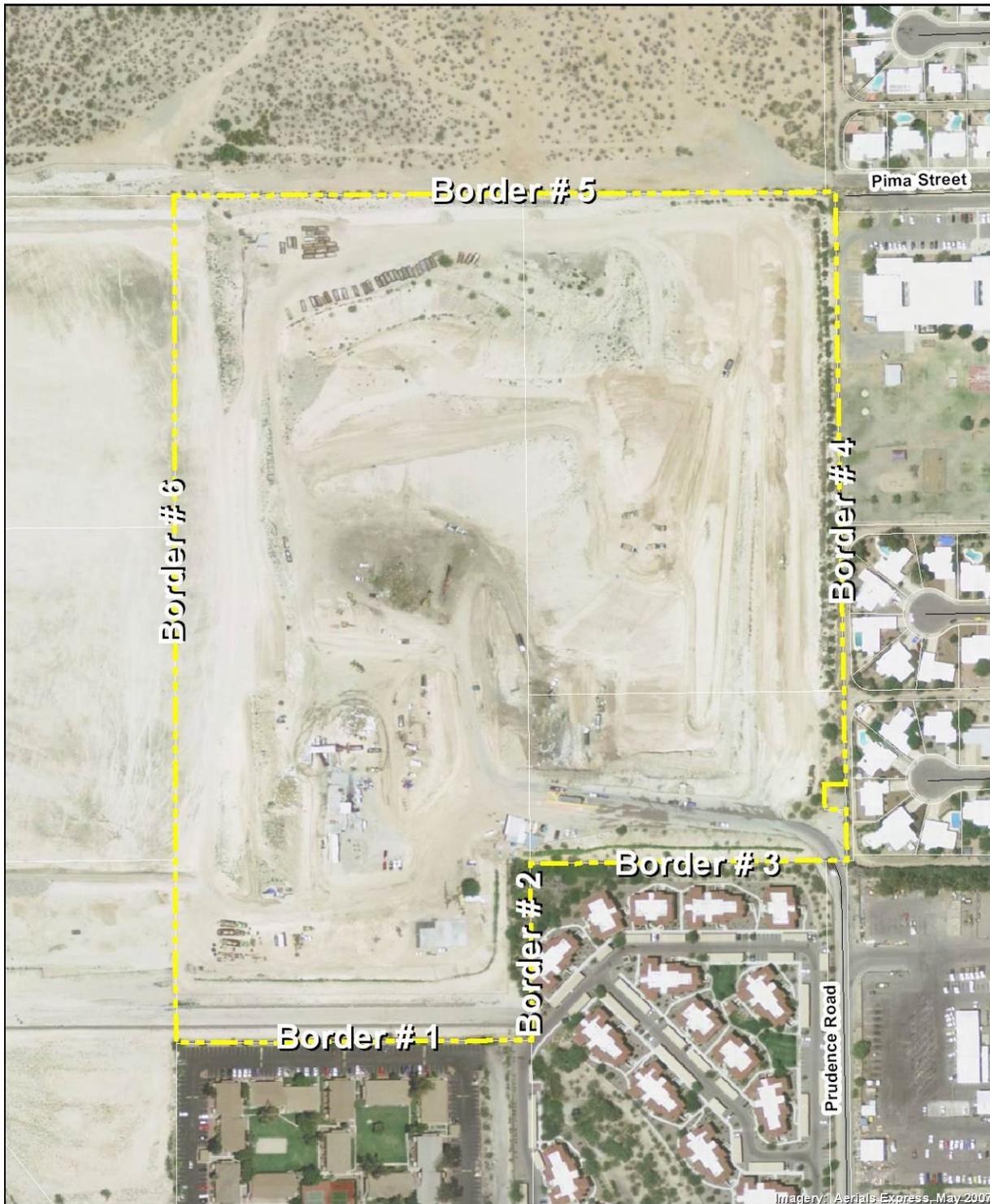
- The existing plants, berms and stockpiles shall remain temporarily.
- When the plants, berms and stockpiles are removed, a new 35-foot wide border featuring a screening berm (12-foot height, 58-foot width) shall be constructed and planted along the property boundary meeting the planting requirements (1 tree every 33 linear feet) of Land Use Code 3.7.2.4. The border shall be located along the top and outer side of the berm. All trees within the 35-foot wide border shall count towards meeting the planting requirement.
- A plant nursery may be established within the Construction Landfill & Recycling land use designation. The nursery may be located adjacent to, but not within, the required 35-foot landscape border.
- Within this area, there are currently inert construction material debris, such as asphalt and concrete that is prohibiting the ability to construct a landscape border. As a result, construction landfill operations are necessary to remove and recycle this material. Once the materials are removed, the landscape border will be installed. The estimated timeframe for removal of these materials and installation of the 35-foot landscape border is 5 years; however, the installation must occur within 10 years from date of PAD approval.

**Border #6**

- There shall be no border, planting or screening requirements.

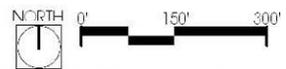


Exhibit III.D.1: Landscape Borders



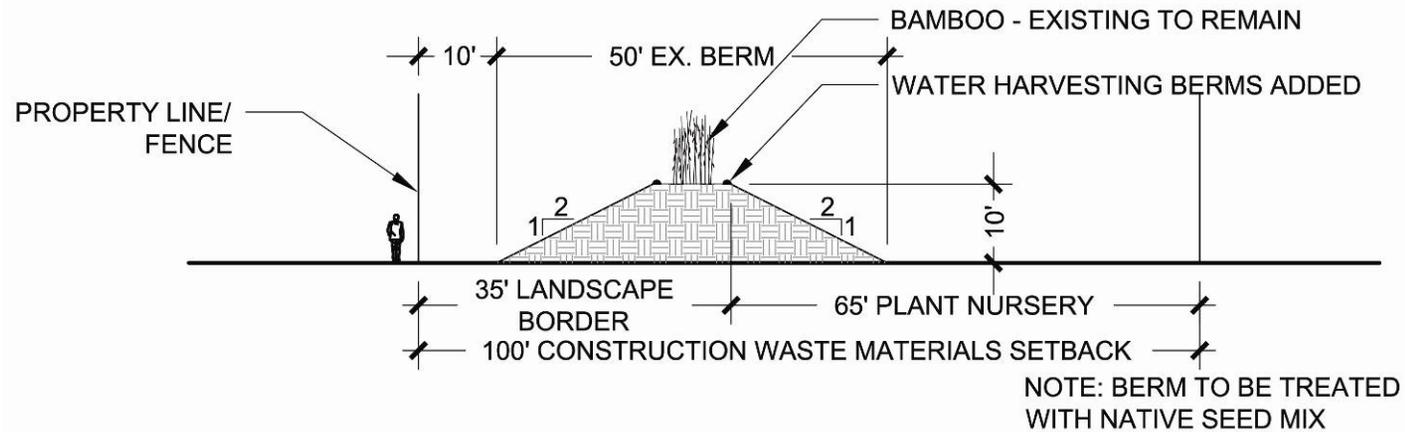
LEGEND

 Site Boundary

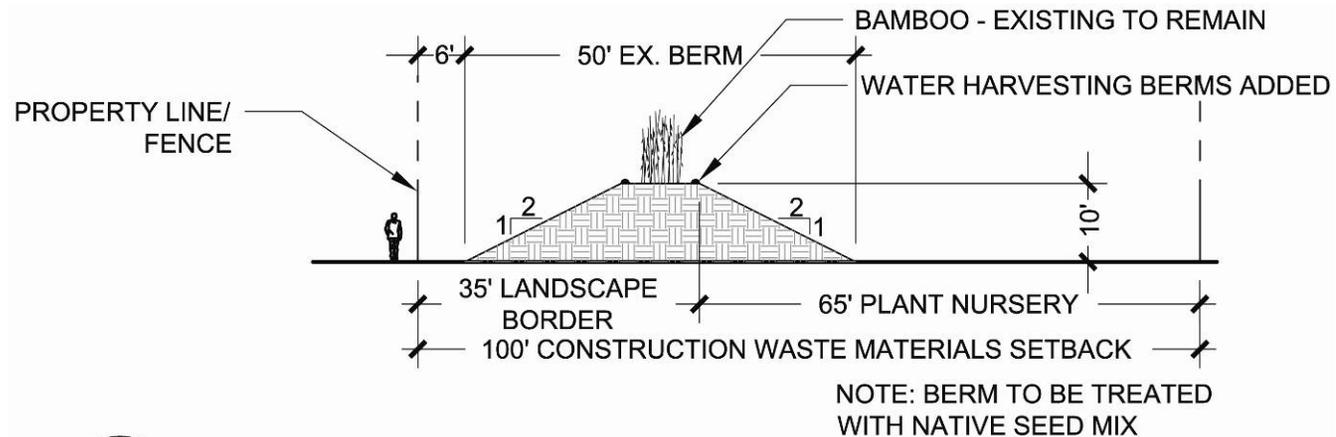


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SOURCE: Pima County DOT GIS, 2009

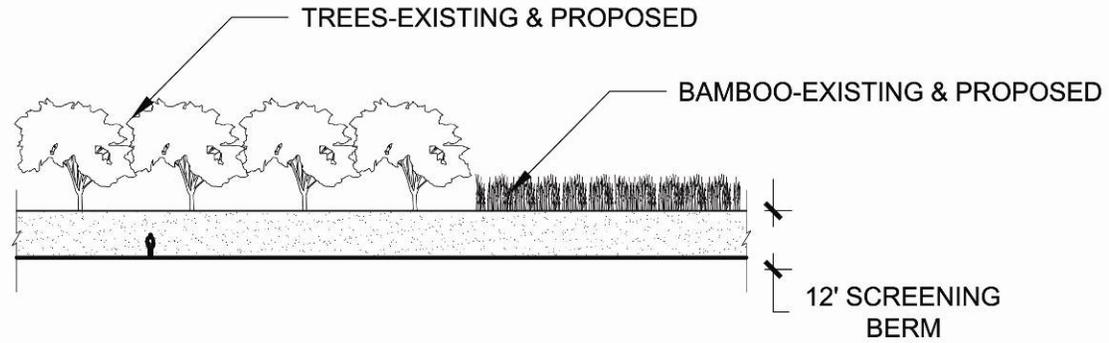
Exhibit III.D.2: Landscape Cross Sections



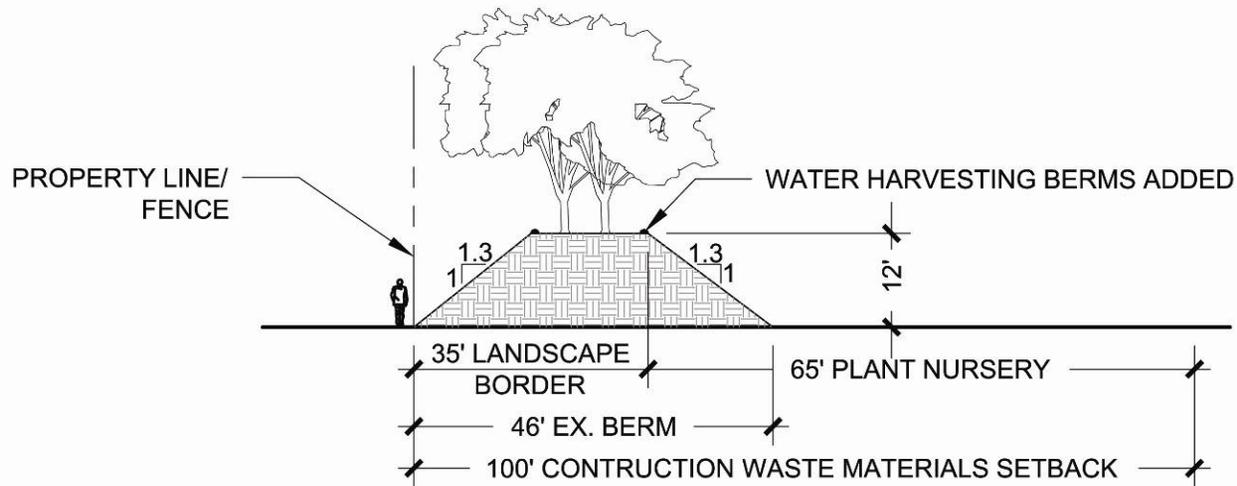
1 BORDER #1 SECTION NTS



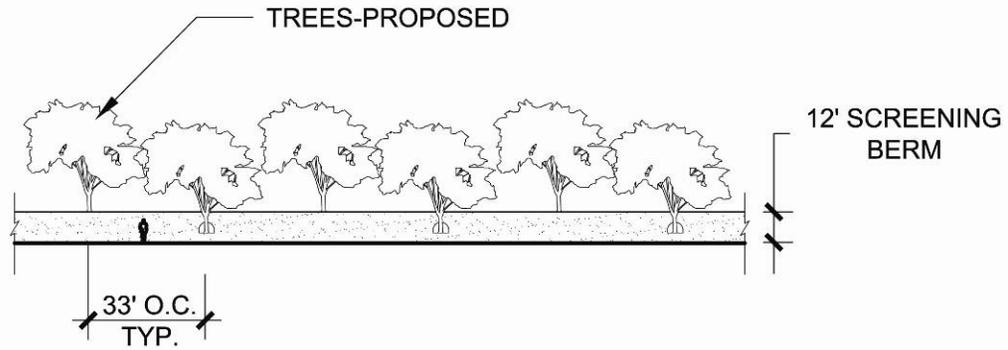
2 BORDERS #2 & #3 SECTION NTS



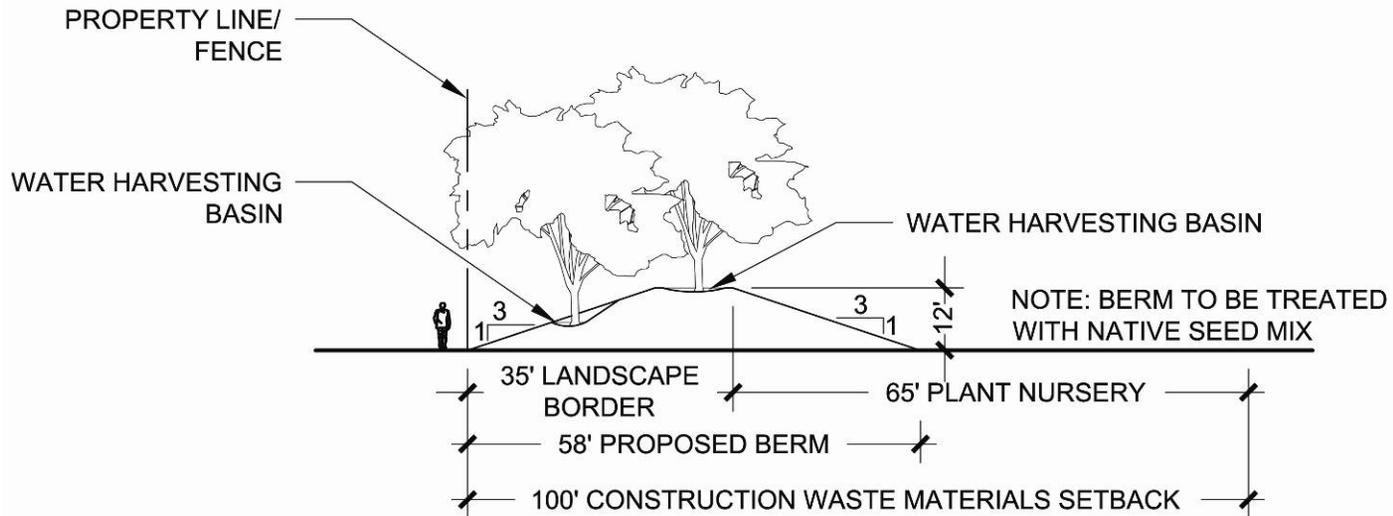
3 BORDER #4 ELEVATION NTS



4 BORDER #4 SECTION NTS



5 BORDER #5 ELEVATION NTS



6 BORDER #5 SECTION NTS

### **3. Water Harvesting**

The site's interior will be utilized for landfill and recycling uses. These uses make the installation of plant material and water harvesting unfeasible within the site's interior. Plants will be located on berms along the site's perimeter. Water harvesting berms and planting basins will collect water for the use of existing and proposed plants along the landscape border berms. See cross section details in Exhibit III.D.2: Landscape Cross Sections, page 63-65. In addition, the site will connect to the Tucson Water reclaimed water system line located to the north of the site. Existing and proposed plants along the landscape border berms will be irrigated with reclaimed water. These features will constitute the water harvesting measures for the Speedway Recycling Facility PAD. Due to the unique nature of the facility and the water harvesting requirements of this PAD, the facility will not be held to the full Development Standard 10-03.0 and Commercial Rainwater Harvesting Ordinance.

### **4. Native Plant Preservation**

Due to the fact that the site previously operated as a sand and gravel pit and has been significantly graded over time, there are few native plants on site. Native plants on site consist of *Prosopis velutina*, *Cercidium floridum* and *Ferocactus wislizenii*. These plants are located along the existing berm on the eastern property boundary. See Exhibit III.D.3, Native Plant Preservation Inventory, page 67. All plants along this eastern property boundary are to remain preserved in place. This PAD document and Exhibit III.D.3 shall serve as the Native Plant Preservation document, demonstrating that the existing native plants will remain preserved in place.



**Exhibit III.D.3: Native Plant Preservation Inventory**



<b>LEGEND</b>		<b>Plant Inventory - Species</b>	
	Site Boundary		Cercidium floridum
			Ferocactus wislizenii
			Prosopis velutina


  
 NORTH 0' 150' 300'
   
 FILE NAME: RRT-12\_inventory.mxd
   
 SOURCE: Pima County DOT GIS, 2010

## **E. Post-Development Hydrology**

### **1. Post-Development Hydraulics**

While the project is in operation, it is expected that, with minor exceptions, the majority of the rain that falls on the site will be directed to interior basins and remain on-site. Due to the changes in the grades during the deposit of inert materials, the locations of these basins will constantly change. These basins will accommodate the detention and retention volumes for the site. No changes are expected for the three smaller watersheds.

At close out of the operation, the large watershed on the site will be graded to drain to the south. The total estimated flow is 240 cfs. This flow will be conveyed in concrete lined channels to retention basin(s) in the southwest corner of the site. See Exhibit III.E: Post-Development Hydrology, page 69.

### **2. Environmental Washes**

Based on the review of the City's GIS mapping, the unnamed wash along the southern boundary is not mapped as a WASH Ordinance or ERZ wash. However, a small portion of the wash is mapped on the City's Critical and Sensitive Biological Communities Map. It appears that this riparian area falls within the floodplain at the southeast corner of the site and is in an area that will not be disturbed by this development.

### **3. Drainageways**

The drainage along the southern edge of the site is in a constructed channel. This channel will remain in place. The only modifications anticipated will include those necessary for the close out retention basin, weir and bleed pipes.

### **4. Design Features**

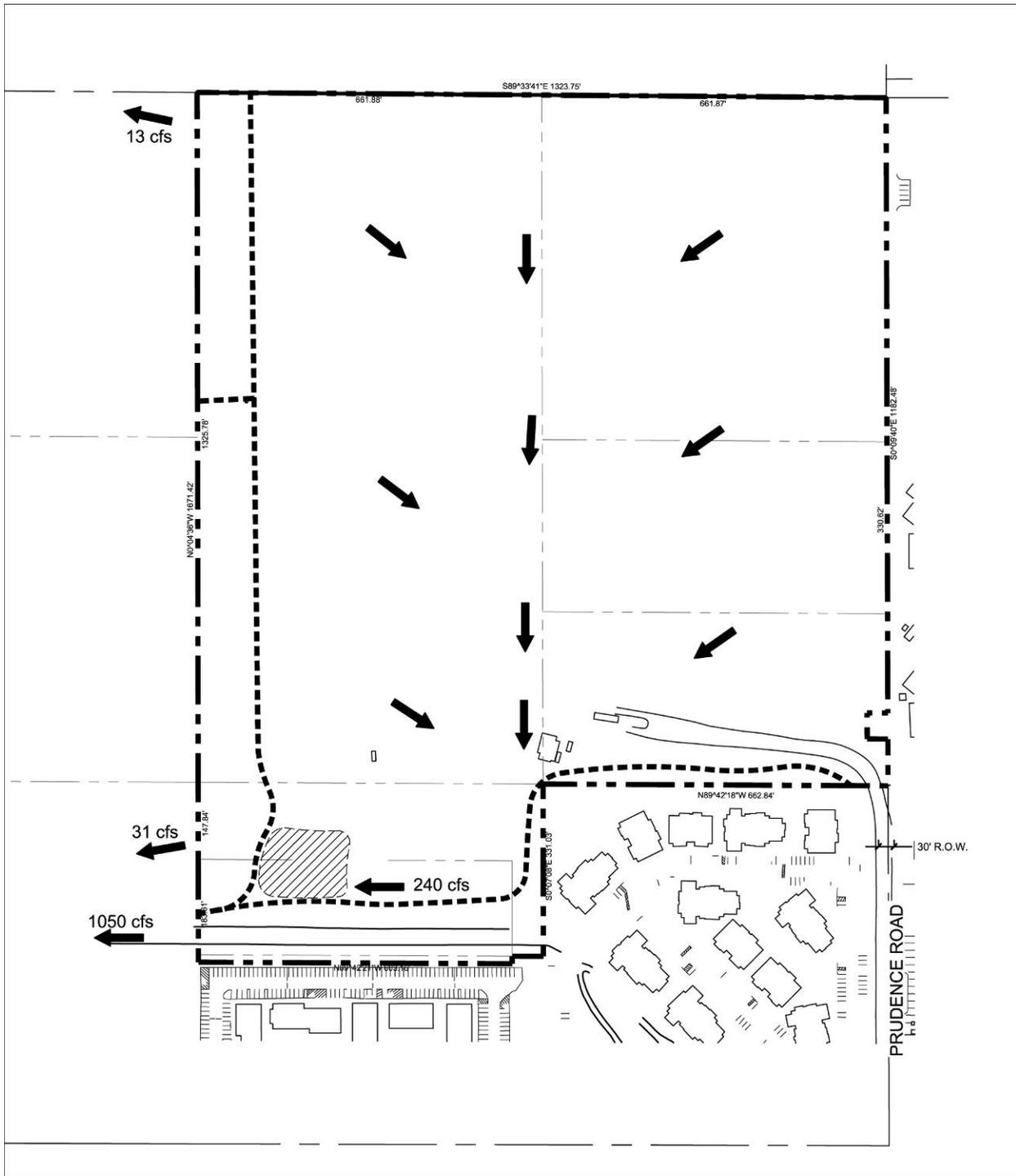
As noted above, at such time the landfill is closed out, retention basins will be provided in the southwest and northwest corners of the site to retain the volume of a 5-year storm. Detention is not being provided because of the project's close proximity to the Pantano Wash.

### **5. Encroachment**

No significant encroachment upon natural features, vegetation or floodplain areas is proposed. As stated above, any impact to the existing floodplain will be minimal.



Exhibit III.E: Post-Development Hydrology



Legend

- Site Boundary
- Watershed Boundary
- Flow Arrows
- Retention Basin



## F. Circulation Plan

### 1. Off-Site Circulation

A traffic statement was prepared for the Speedway Recycling Facility by Curtis Lueck and Associates, which summarizes the existing traffic and circulation conditions, as well as provides recommendations regarding future conditions.

The traffic analysis was based on the following assumptions:

- Because this PAD proposes an expansion of existing uses, it is anticipated that the existing users of the site will continue to be the site's primary users.
- There will be an estimated 25 percent increase in the use of the site once the proposed uses are provided.
- The new uses will be available in 2011.
- As documented in previous years, there will be a 1 percent increase in background traffic volumes on Speedway Boulevard.

Based on these assumptions, the traffic statement asserts the Speedway/Prudence intersection and its approaches and turning movements will operate at Level of Service (LOS) D or better during the morning and afternoon weekday peak hours. In addition, the estimated queues with the project do not exceed the existing storage lengths on Speedway Boulevard. Thus, the expected increase in site traffic is not enough to create unacceptable operational conditions, nor should it require additional improvements at the Speedway/Prudence intersection.

### 2. On-Site Circulation

Vehicles enter the Speedway Recycling Facility PAD off Speedway Boulevard via North Prudence Road. Clients proceed to the Weigh Station, located along the southern portion of the site. Clients with construction debris materials and green waste then proceed north to the Check Point Station for inspection. Staff at the Check Point inspects the materials to ensure for compliance with the facility's acceptable materials list. Depending on the client's materials, the client then proceeds to the sorting and baling, green waste, or construction debris area. Clients interested in purchasing wholesale products can proceed to the southwestern portion of the site for their purchase of recycled and reprocessed materials.

Because of the dynamic nature of some of the uses at the Speedway Recycling Facility PAD, the location of those uses will vary as the development of the facility progresses. For instance, clients may dispose of their green waste in a specific location for a period of time, but as that area fills, new locations for disposal will need to be provided. As a result of these constantly transitioning operations, the circulation plan depicting access to the sorting and baling, green



waste and construction debris areas will change over time. However, it is anticipated that the circulation for the Weigh Station, Administrative Office and Product Wholesaling area will be permanent.

See Exhibit III.F.1: Circulation Plan, page 72.

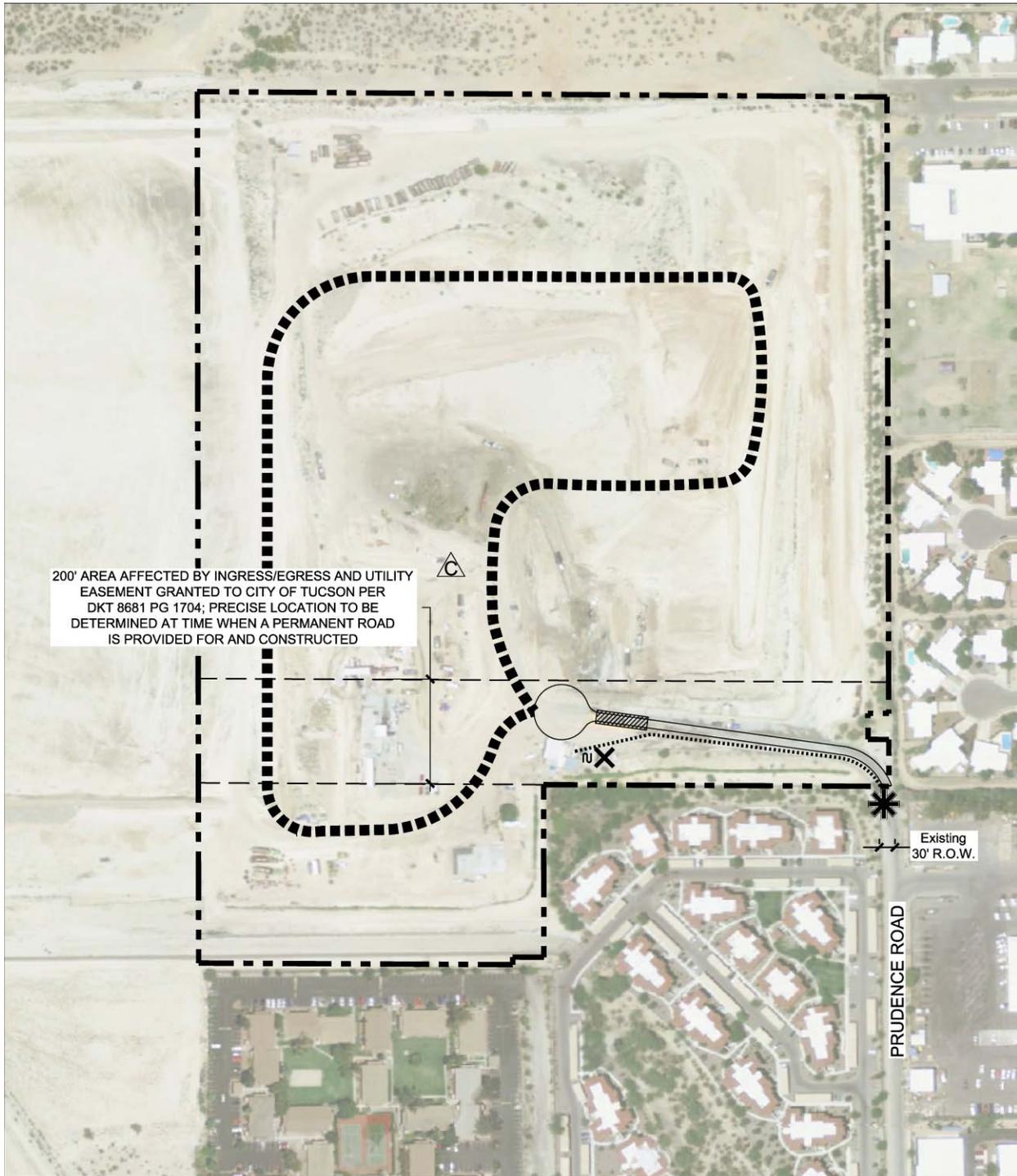
Currently there exists a 200-foot easement for ingress/egress and utilities for the City of Tucson near the southern boundary of the project site. The location of the existing easement is indicated on Exhibit II.D: Existing Easements, page 19. The easement specifically states, this “easement shall be defined at such time as a permanent adequate access road is provided for and constructed.” The Speedway Recycling Facility PAD proposes revision of this easement to follow the proposed amended legal description shown on Exhibit III.F.2: Proposed COT Amended Easement, page 73. Fairfax Companies is currently working with COT Departments of Environmental Services and Real Estate to update this easement and has received preliminary approval. This easement will be amended and recorded in conjunction with this PAD.

### **3. Right-of-Way Dedication**

At the request of the City of Tucson, the Speedway Recycling Facility Owner/Operator shall dedicate a maximum 96-foot of vehicular and pedestrian access easement to be located within the 100-foot construction waste and demolition debris setback twenty (20) years from approval of the PAD.



Exhibit III.F.1: Circulation Plan

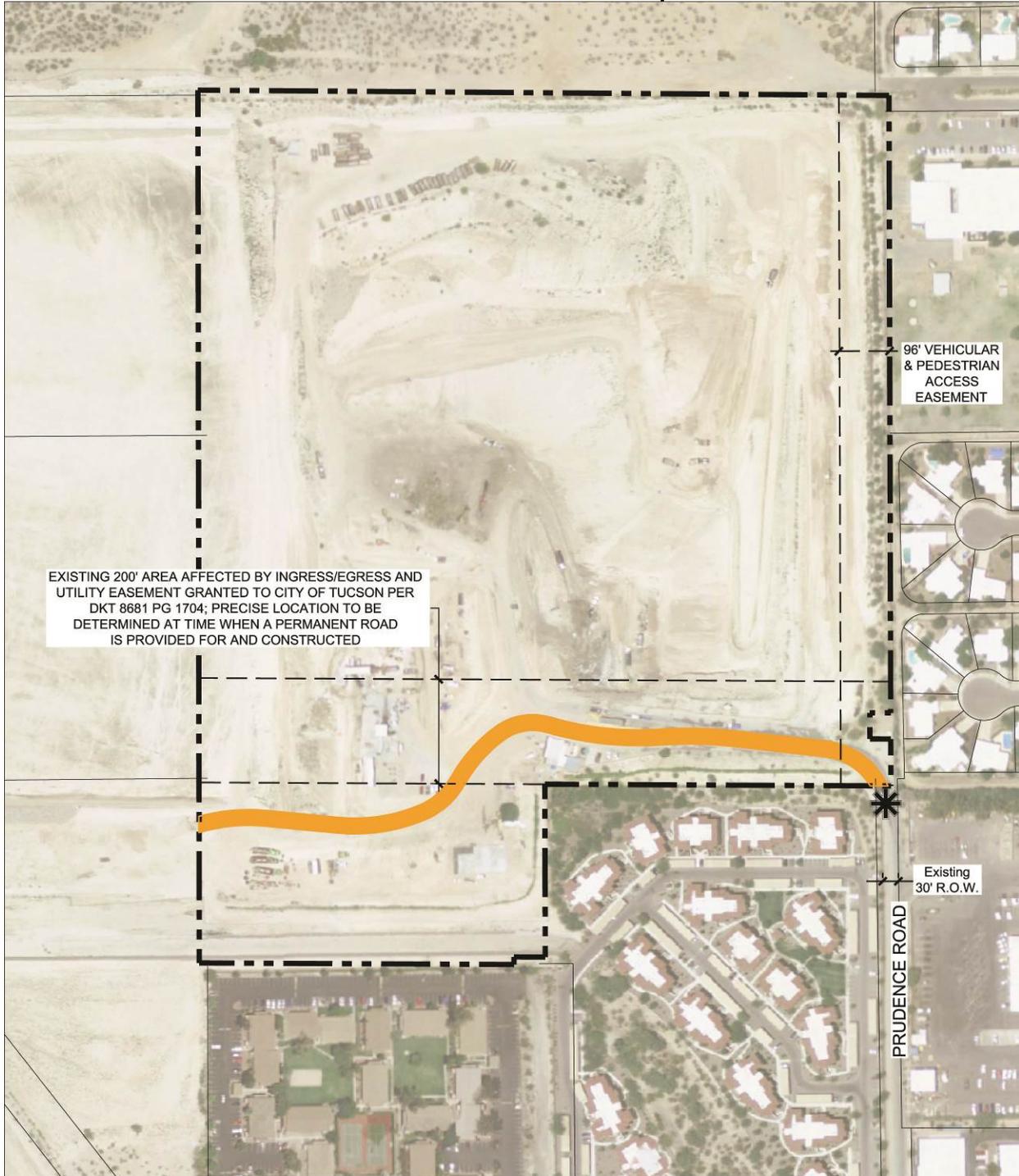


Legend

- |                      |                   |
|----------------------|-------------------|
| Site Boundary        | Bicycle Parking   |
| Existing Circulation | Pedestrian Access |
| Proposed Circulation | Check point       |
| Weigh Station        | Guest Parking     |
| Entrance             |                   |

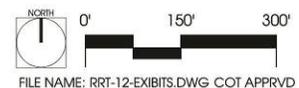


Exhibit III.F.2: Proposed COT Amended Easement



Legend

-  Site Boundary
-  Entrance
-  Proposed Amended City of Tucson Ingress/Egress Easement



## **G. Interpretations and Amendments**

### **1. Interpretation**

The regulations and guidelines provided within this PAD supersede existing regulations within the City of Tucson Unified Development Code and its supplements. If an issue arises regarding definitions, conditions, standards and/or situations not addressed in this PAD, those in the LUC, Development Standards or other COT regulations shall prevail. The City of Tucson Zoning Administrator shall interpret zoning issues.

### **2. Amendments**

Amendments to this PAD may be necessary over time to respond to the changing needs of this organization. Non-substantial changes to the PAD shall be approved pursuant to UDC Section UDC Sec. 3.5.5

Non-substantial changes include the following:

- Modifications to the permitted and secondary uses that do not change the overall intent of the PAD.
- Modifications to tax code parcel boundaries, including changes to interior boundaries or combining parcels, except that changes to the PAD perimeter boundary may not be considered a minor amendment or non-substantial change to the PAD.
- Modifications to the proposed site plan provided the Development Standards set forth in the PAD are maintained.
- Any other items not expressly defined as substantial based on UDC Section 3.5.5.J.2.d

Substantial changes as defined in UDC 3.5.5.J.2.c.



## H. Definitions

Business operations: ongoing activities involved in the running of the recycling facility. These activities include, but are not limited to:

- Scale house: Where all vehicles intending to utilize the facility check in, are weighed and fees are paid to a scale house attendant
- Inspection: Debris being brought in is inspected by an attendant who then directs the customer to the appropriate area
- Administration: Office space for site supervisor, record-keeping, employee break area(s), customer service center and visitor parking area

Construction Landfill and Recycling: Uses within this PAD designation may include business operations, construction landfill operation, construction waste recycling; reclamation, crushing, screening and storage of inert materials, green waste mulching, material sales, product wholesale and reprocessing, , single-stream recycling, and sorting and baling.

Construction Material Sales: The sale of lumber, mixed inerts, asphalt, copper, bricks, concrete, dirt, soil, sand, gravel, pallets, rock, wood, mulch and other materials used in the construction industry. Construction Waste & Demolition Debris: Waste comprised of materials from the construction, demolition, or repair of any manmade structure (buildings, roadways, etc). Construction Waste & Demolition Debris includes, but is not limited to brick, concrete, masonry, stone, glass, plaster, drywall, framing, lumber, roofing materials, plumbing fixtures, electrical wiring, insulation, asphalt, and HVAC components containing no hazardous fluids or refrigerants,.

Inert Waste: Waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution, including groundwater contamination, or harm to human health. Materials classified as “inert” include earth and earth-like products, concrete, asphalt, rock and brick.

Landfill: A method of construction waste disposal in which waste is buried.

Renewable Energy Production: Include solar generation and biofuel.

Reclamation: For the purposes of this PAD, only the reclamation of inert materials (i.e. rock, block, dirt, concrete, asphalt, etc.) shall be permitted. Excavation and reclamation of construction and landscape waste is prohibited.

Salvaging & Recycling: Salvaging and Recycling is the reclamation and recovery of used materials and the processing of discarded scrap materials for commercial purposes.



Materials accepted at the landfill for reclamation and recovery include but is not limited to mixed inerts, aluminum, asphalt, bricks, carpet, cardboard, concrete, dirt, drywall, pallets, paper, porcelain, rock, roofing, wood, miscellaneous plastics and green trimmings. Typical uses at the Speedway Recycling Facility include construction waste recycling, crushing and screening, and storage of inert materials, green waste processing, material excavation and reprocessing, recycled material storage and supply, single-stream recycling, soil excavation and sales, and sorting and baling, and storage of single-stream under included structures.

Recycled materials and products sold on the site include but is not limited to rock, aggregate, boulders, compost, decorative rock, decorative wood chips, fill dirt, fountain spire, horse bedding, mortar sand, mulch, pipe bedding, recycled AB (recycled crush concrete), rip rap, top soil, lumber, mixed inerts, asphalt, copper, bricks, concrete, pallets, and other nursery and landscaping materials. Products requiring manufacturing on the site include, recycled building blocks and fire logs. Some of the above materials will be shipped off site and delivered to the site for resale after the necessary processing occurs. Due to ever improving technology, products manufactured may change over time so that the Speedway Recycling Facility can continue to meet its customer's needs

Single stream recycled

Recyclable Material is defined as the following: Newspaper and all newspaper inserts, brown paper bags, old corrugated cardboard, paperboard; milk cartons and drink boxes; molded fiberboards, magazine and catalogs, phonebooks; printing, writing paper, junk mail and other paper. #1 Plastic bottles (PET), #2 plastic bottles and jugs (HDPE), plastic containers #3 - #7, oversize molded plastic items (5 gallon pails, laundry baskets, etc.). Aluminum cans, steel/tin cans; small scrap metal (under 18" in any single dimension) and glass containers of all colors.



## I. Bibliography

Darling, James. 1988. Landscape Waste: An Urban Problem or Community Resource? Available at: <http://joa.isa-arbor.com/>

Monroe, Linda. 2008. Diverting Construction Waste. Available at: [www.buildings.com](http://www.buildings.com)

Tucson. Department of Urban Planning & Design. Land Use Code. July 1995.

Tucson. Planning Department. Pantano East Area Plan. March 1982.

US EPA. 2007. Municipal Solid Waste in the United States. Available at: [www.epa.gov](http://www.epa.gov)

US EPA. June 2006. Global Mitigation of Non-CO2 Greenhouse Gases. Available at: [www.epa.gov](http://www.epa.gov)



## **Appendices**

**A. Settlement Agreements**

**B. Letter from Pima County Department of Environmental Quality**

**C. Letter from Arizona Department of Environmental Quality**



## SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by and between the City of Tucson, a municipal corporation, including its Department of Environmental Services and Tucson Water (the "City") and Boone Operations Co., LLC ("Boone") as of and effective as of November 15, 2006.

### RECITALS

A. Boone owns and operates the Speedway Landfill at 7301 East Speedway Boulevard, Tucson, Arizona. The Landfill is governed by an aquifer protection permit issued by the Arizona Department of Environmental Quality (ADEQ).

B. On June 8, 2005, the City, by Tucson Water, accidentally cut a waterline causing water to flood into an active disposal area in the Landfill for approximately 23 hours. After the flooding was stopped, the City notified ADEQ of the incident.

C. Boone sued the City in an action entitled *Boone Operations Co., LLC v. City of Tucson*, Pima County Superior Court Cause No. C20061127 (the "Lawsuit"). The court bifurcated the issues of liability and damages. The City admitted liability on Boone's claim of trespass for such damages, if any, as were caused by the conduct alleged in the complaint. The stipulation was accepted by the court. A trial on damages was then scheduled for May 15, 2007.

D. By this Settlement Agreement, the parties intend to settle the Lawsuit and avoid the expense of a damages trial without either party admitting to any

75

contested issue of fact or law other than what was expressly admitted in the Lawsuit. By entering into the Settlement Agreement, the City does not admit that Boone has been damaged as a result of the flooding at the Speedway Landfill on June 8-9, 2005.

### COVENANTS

In consideration of the mutual promises contained in this Agreement, the parties agree as follows:

1. The Recitals are true and correct and incorporated by reference.
2. The City will be responsible for indemnifying and holding Boone harmless for the cost of implementing any testing and/or remediation as may be ordered by a regulatory agency having jurisdiction over the Speedway Landfill to the extent that the testing and/or remediation is caused by the City's discharge of water into the Landfill on June 8-9, 2005.
3. As a condition of the settlement, Boone will manage the Landfill in accordance with regulatory requirements. The City's undertaking to indemnify shall not be construed as the City assuming or accepting responsibility for performing the regulatory obligations of Boone other than fulfilling its express responsibility for indemnification and its express obligations for methane extraction and monitoring referenced in paragraphs 2 and 4.

18.

4. The City assumes responsibility for the installation of methane extraction and monitoring wells at the Landfill and to perform such methane monitoring as may be reasonable and necessary. In the event the City elects to extract methane, it shall do so at its own expense, have full ownership of the methane, and may dispose of the methane in any lawful matter.

5. Boone will promptly notify the City in the event it is notified or otherwise learns that a regulatory agency has commenced an investigation or initiated a complaint that may have a causal connection to the discharge of water into the Landfill on June 8-9, 2005. Boone will share with the City all information available to it regarding such investigation or complaint and to the extent possible will notify the City in advance of meetings or discussions with the regulatory agency and will invite the City to participate in such discussions.

6. Upon the execution of this Agreement and approval by the Mayor and Council, the City will pay to Boone the sum of \$15,000. That payment shall not be construed as an admission on the part of the City that Boone sustained damages as a result of the discharge of water on June 8-9, 2005.

7. Contemporaneously with the execution of this Agreement, the parties, by counsel, will execute a stipulation of dismissal with prejudice of the Lawsuit, each

11.

side to bear its own fees and costs. The stipulation is to be filed upon approval of this Agreement by Mayor and Council and upon receipt by Boone of the sum of \$15,000.

8. All notices provided for in this Agreement shall be in writing and shall be delivered personally, or by certified mail, or by facsimile. Notices to the City shall be delivered to:

City of Tucson  
Department of Environmental Services  
Price Service Center  
4004 South Park Ave., Bldg. #1  
Tucson, Arizona 85714  
Attn: Director  
Fax: 520-791-4155

With a copies to:

Blake Ashley  
Principal Assistant City Attorney  
City of Tucson  
255 W. Alameda  
Tucson, Arizona 85701  
Fax: 520-623-9803

-and-

Richard M. Rollman  
Gabroy, Rollman & Bossé, P.C.  
3507 North Campbell Ave., #111  
Tucson, AZ 85719  
Fax: 520-320-0717

Notices to Boone shall be delivered to:

Boone Operations Co., LLC  
c/o Fairfax Management Co., LLC  
Attn: Jason Tankersley  
P. O. Box 31748  
Tucson, AZ 85751  
Fax: 520-290-9314

With a copy to:

Gerald Maltz  
Haralson, Miller, Pitt, Feldman & McAnally, P.L.C.  
One South Church Avenue, Suite 900  
Tucson, Arizona 85701-1620  
Fax: 520-624-5080

9. This Agreement contains the entire agreement between the parties with respect to the subject matter and supercedes all prior and contemporaneous agreements, representations and understandings of the parties. It may not be amended or modified except in writing signed by the parties. It shall be governed and construed in accordance with the laws of the State of Arizona and shall be binding and inure to the benefit of the parties' heirs, personal representatives, successors and assigns.

10. Any dispute between the parties relating to this Agreement, including any claim of breach, shall be submitted to binding arbitration in accordance with the Arizona Arbitration Act (A.R.S. § 12-1501 *et seq.*) before a single arbitrator selected by the parties. The arbitrator shall be an AV rated lawyer competent to decide environmental issues.

17.

(a) The arbitration hearing shall be at a time and location in Tucson to be selected by the arbitrator after conferring with counsel for the parties. The arbitrator shall conduct the hearing in general accordance with the Commercial Arbitration Rules of the American Arbitration Association (AAA) but not under its administration nor auspices. The AAA shall play no part in the selection of the arbitrator or the administration of proceedings.

(b) If the parties cannot agree on an arbitrator within 5 calendar days after service of the notice of intent to arbitrate, then the selection of a qualified arbitrator shall be made by the then presiding civil judge of the Pima County Superior Court.

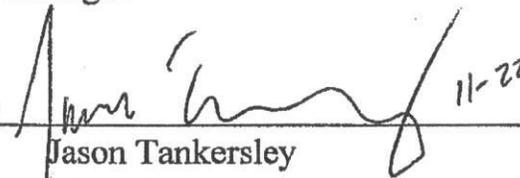
(c) In addition to the grounds set forth in A.R.S. § 12-1512-13, the award may be judicially reviewed, and shall not be confirmed or modified if the court finds that it is arbitrary, capricious, or an abuse of discretion as those terms are defined by Arizona law governing special actions. In the event the court finds the award to be arbitrary, capricious or an abuse of discretion, the court shall remand the case to the arbitrator for further proceedings.

18.

11.

11. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original.

Boone Operations Co., LLC  
By Fairfax Management Co., LLC,  
Its Manager

By  11-22-06  
Jason Tankersley  
Managing Member

City of Tucson, a municipal corporation

By   
Its City Manager as authorized by  
Mayor and Council

COPY

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release ("Agreement") is entered into by and between the CITY OF TUCSON, a municipal corporation, including its Department of Solid Waste (the "City") and BOONE OPERATIONS CO., L.L.C. ("Boone"), FAIRFAX MANAGEMENT CO., LLC ("Fairfax"), LAWYER'S TITLE TRUSTS NO. 7610 and NO. 7714-T (the "Trusts"), JASON TANKERSLEY ("Tankersley") and DOUGLAS KENNEDY ("Kennedy" and, together with Boone, Fairfax, the Trust and Tankersley, the "Boone Parties") effective as of April 15, 2003. The Boone Parties and the City, together, are referred to as the "Parties".

BACKGROUND INFORMATION

The Parties acknowledge that the following Background Information is true and correct and constitutes an integral part of this Agreement:

The City owns the Vincent Mullins Landfill which is located at 7299 East Speedway Blvd., Tucson, Arizona, as depicted on Exhibit A. The Vincent Mullins Landfill is no longer in operation and the City is required to fill, grade and cap it in accordance with rules and regulations of the Arizona Department of Environmental Quality ("ADEQ"). To that end, the City was issued an aquifer protection permit ("APP") by ADEQ in 2002 (the "City's Existing APP"). It will be necessary for the City to amend the City's Existing APP in order to implement the terms of this Agreement (as so amended, the "Vincent Mullins APP").

Boone owns and operates the Speedway Landfill which is located adjacent to the Vincent Mullins Landfill as depicted on Exhibit A. The Speedway Landfill is governed by an APP issued by ADEQ on ("Speedway Landfill APP"). It will be necessary for Boone to amend the Speedway Landfill APP in order to implement the terms of this Agreement.

Boone is the successor in interest to Pioneer National Trust Company of Arizona as Trustee under Trust No. 11,045 ("Trust 11,045").

On June 17, 1996, Boone and the City entered into an Agreement relating to various matters involving the Vincent Mullins Landfill and the Speedway Landfill (the "Previous Agreement").

Certain disputes and disagreements exist between the City and the Boone Parties concerning the Previous Agreement, Boone's operations on the Speedway Landfill, the City's maintenance and operation of the Vincent Mullins Landfill, the zoning at the Speedway Landfill and other matters.

Boone has filed a lawsuit against the City styled Boone Operations Company, L.L.C. v. City of Tucson, Pima County Superior Court Cause No. C20021866 (the "Boone Lawsuit").

Tankersley has filed a lawsuit against the City styled Tankersley v. City of Tucson, Pima County Superior Court Cause No. C20022893 (the "Tankersley Lawsuit").

On November 19, 2002, the Boone Parties, through their agents and representatives, and the City, through its agents and representatives, entered into a Settlement Memorandum (attached as Exhibit B). The Settlement Memorandum was intended to outline, in general terms, what would become this Agreement. It is intended that this Agreement supercede and replace the Settlement Memorandum and resolve all current, known disputes between the Parties.

The City and the Boone Parties desire to resolve all of their known differences, disputes and disagreements and the Boone Lawsuit and Tankersley Lawsuit, and to enter into this Agreement in order to provide for the safe, orderly and final closure of the Vincent Mullins Landfill in accordance with the rules and regulations of ADEQ and to resolve all of the City's concerns about the ongoing operations of the Speedway Landfill; including zoning, civil and all other concerns.

## AGREEMENTS

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein and the obligations that arise therefrom, the parties hereto hereby agree as follow:

1. Incorporation of Background Information. The Parties acknowledge that the statements contained above under the heading Background Information are true and correct and are hereby incorporated by reference.

2. Definitions.

**Acceptable Cover Fill** means material that meets the design criteria contained in the Vincent Mullins Closure Plan as approved by ADEQ, and which is reasonably available on the Speedway Landfill. The determination of whether material from Speedway Landfill qualifies as Acceptable Cover Fill shall be based upon samples submitted for analysis to be conducted by the City's independent design consultant according to generally accepted standards for such analysis. The samples shall be taken from areas reasonably specified by Boone. The areas from which samples are taken for this purpose shall not be disturbed pending the completion of such analysis. If the sampled materials are determined to meet the criteria for use as Acceptable Cover Fill, then the areas from which such samples were taken shall be used for the exclusive purpose of meeting the requirements of the City for Acceptable Cover Fill until such requirements are satisfied, or a particular area is no longer needed as a source of Acceptable Cover Fill. If the sampled materials do not meet the designated criteria, the City shall continue to test material on the Speedway Landfill until sufficient quantities of Acceptable Cover Fill have been located. However, if a sufficient quantity of Acceptable Cover Fill is not identified after two test rounds of eight samples each have been completed, the City shall use what is available at Speedway Landfill, and shall have the option to obtain its remaining requirements for Acceptable Cover Fill from sources other than the Speedway Landfill. The City reserves the right to refuse to test material in locations reasonably determined to be inconvenient by the City's consulting engineer. The City shall be allowed to monitor Boone's extraction of the Acceptable Cover Fill.

**Acceptable Fill** means Acceptable Cover Fill and also the waste material or materials that the current Speedway Landfill APP, Vincent Mullins APP and other environmental laws provide are permissible for burial or stockpile on the Speedway Landfill or Vincent Mullins Landfill, as the

case may be. It is the intent of this Agreement that construction debris, rubbish, inert material and similar materials will constitute Acceptable Fill but that materials that would cause the Vincent Mullins Landfill to be classified as a municipal solid waste landfill, or are prohibited by the Vincent Mullins Landfill APP, do not.

**ADEQ** shall mean the Arizona Department of Environmental Quality.

**APP** means an aquifer protection permit issued by ADEQ.

**Bank-yard** means volume of an excavation.

**Pay Volume** shall be by excavated bank-yard, measured in accordance with the methodology attached hereto as Exhibit C.

**Concept Plan** shall mean the Concept Plan prepared by AmmTech Consulting, Inc., dated June 2002, entitled "Subgrade Plan - Option A", which subgrade plan shall be used as final closure grades.

**Fourth Avenue Fill** shall have the meaning set forth in Section 9.1.

**Rubbish** shall have the meaning set forth in A.A.C. Title 18, Chapter 8, Article 5 on the date hereof.

**Speedway Landfill APP** shall have the meaning set forth in the Background Information.

**Speedway Landfill Closure Plan** shall mean the Closure Plan for the Speedway Landfill designed by the Boone Parties for submittal to ADEQ as an amendment to the Speedway Landfill APP for approval and approved by ADEQ as the Speedway Landfill APP. The Speedway Landfill Closure Plan shall be prepared in accordance with the Concept Plan as modified pursuant to Section 5.2(b).

**Vincent Mullins APP** shall have the meaning set forth in the Background Information.

**Vincent Mullins Closure Plan** shall mean the closure plan for Vincent Mullins Landfill designed by the City for submittal to ADEQ as an amendment to the City's Existing APP for approval and approved by ADEQ as the Vincent Mullins APP.

3. Completion, Submission and Implementation of Vincent Mullins Closure Plan.

3.1 Submission to ADEQ. The City shall use its best efforts to expeditiously design and submit to ADEQ for approval the Vincent Mullins Closure Plan utilizing engineers of its choice. Such submission shall be made on or before August 1, 2003 and be in the form of an amendment to the City's Existing APP. Boone shall use its best efforts to expeditiously file such

amendments to the Speedway Landfill (which shall include a closure plan for the West 100 Feet) as may be reasonably required in order to accomplish the terms of this agreement.

Boone agrees to relocate material in accordance with Section 8.2 from a strip of the Speedway Landfill which is 100 feet wide and adjacent to the eastern boundary of the Vincent Mullins Landfill waste footprint ("West 100 feet") in a sufficient amount to achieve a foundation grade which shall be 4 feet lower than the final closure grade provided in the Concept Plan. If necessary, Boone may import Acceptable Fill from other parts of Speedway Landfill to achieve the specified foundation grades. Boone authorizes the City to contour and apply a final cap to the West 100 Feet consistent with the Concept Plan at the time the City constructs a final cap on the Vincent Mullin's Landfill in accordance with the Vincent Mullin's Closure Plan. Boone hereby grants to the City such right of entry, construction and maintenance easement to the West 100 Feet as reasonably necessary for this purpose. Commencing 2 years after the final closure of the Vincent Mullin's Landfill in accordance with the Vincent Mullin's Closure Plan, Boone shall be responsible for the maintenance, drainage, contours and grades of the West 100 Feet in accordance with the Concept Plan and shall include such drainage, contours and grades in the Speedway Landfill Closure Plan.

The City shall indemnify, defend and hold Boone harmless from any and all liability, costs, loss, attorney's fees and other expenses and claims for damages arising out of the City's activities conducted pursuant to 3.1 of this Agreement on the West 100 Feet.

3.2 Boone agrees that it will cooperate with the City, which cooperation shall include providing documents, photos and maps as are reasonably available, in connection with the amendments to the City's Existing APP that may be necessary in order to obtain the Vincent Mullins APP. The City agrees to cooperate, which cooperation shall include providing documents, photos and maps as are reasonable available, with Boone in connection with the amendments to the Speedway Landfill APP to the extent such amendments are required to implement the terms of this Agreement. The cost of copies will be born by the party requesting such copies.

#### 4. Landscape Plan.

4.1 Retention of The Planning Center. Promptly upon the execution of this Agreement, Boone shall, at its sole expense, retain The Planning Center to prepare a landscape plan for the Speedway Landfill (the "Landscape Plan") meeting the requirements of this section. The Planning Center may work with the Ward 2 Council office, City staff, and the adjacent homeowners in developing the Landscape Plan. The objective of the Landscape Plan shall be to minimize the visual impact, noise, and dust of the operations occurring on the Speedway Landfill on the properties to the east and to set forth guidelines for the maintenance of the berms presently existing on the north, south and east sides of the Speedway Landfill as identified on Exhibit A (the "Berms"); in each case without unreasonably restricting the ability of Boone to operate the Speedway Landfill as a viable business. The location and elevation of the Berms shall not be altered except in accordance with the Landscape Plan or as otherwise provided in this Agreement.

4.2 Submission of Landscape Plan. Within sixty (60) days from the execution of this Agreement, Boone shall cause the Planning Center to submit a draft of the Landscape Plan ("Proposed Plan") to the City. Boone understands that the Proposed Plan shall be submitted to and

evaluated by the Ward 2 Member of the Tucson City Council (the "Council Member") who may consult with neighboring residential property owners to the east and who reside within 300 feet of the Speedway Landfill. The City may reject the Proposed Plan within thirty (30) days after its submission by Boone if the Council Member determines that the Proposed Plan does not reasonably minimize the visual impact, noise, and dust of the operations of the Speedway Landfill from the area to the east. In the event that the Proposed Plan is rejected by the City in a timely manner and the parties are unable to agree on the components of an acceptable Landscape Plan, either party may submit the dispute regarding the Landscape Plan to binding arbitration pursuant to Section 4.3. Unless the City approves, in writing, the Proposed Plan within the 30-day period following its submission, the Landscape Plan shall be deemed rejected for purposes of this Article 4.

4.3 Arbitration Procedure. An arbitration pursuant to Section 4.2 shall be conducted by three (3) arbitrators, each of whom shall be registered as a landscape architect by the State of Arizona. Boone shall select one arbitrator who shall be employed by the firm which prepared the Proposed Plan (the "Boone Arbitrator") and the City shall select one arbitrator who shall be employed by the City (the "City Arbitrator"). The Boone Arbitrator and the City Arbitrator shall select a third arbitrator (the "Neutral Arbitrator" and, together with the Boone Arbitrator and the City Arbitrator, the "Arbitrators"). Boone shall be responsible for paying the fees of the Boone Arbitrator and the City shall be responsible for paying the fees of the City Arbitrator. The fees charged by the Neutral Arbitrator shall be shared equally between the City and Boone. In the event the Boone Arbitrator and the City Arbitrator are unable to select a Neutral Arbitrator, then the presiding judge of the Pima County Superior Court shall select a Neutral Arbitrator. The majority decision of the Arbitrators shall be conclusive and binding upon the parties.

4.4 Decision Criteria. In reaching their decision, the Arbitrators shall take into account the following criteria: (i) the desire of the neighbors to the east and within 300 feet of Speedway Landfill to be reasonably protected through the use of berms and landscaping from the visual impact, noise and dust of the operations of the Speedway Landfill; (ii) the reasonable interest of Boone to conduct its operations in a profitable manner and to maintain appropriate screening from its neighbors; and (iii) the reasonable costs of implementing and maintaining the Landscaping Plan.

4.5 Components of Landscaping Plan. The Landscaping Plan shall contain the following features:

A. Except as provided in Section 6, the Berm located on the southern boundary ("Southern Berm") shall be maintained in its existing condition, location and elevation, as depicted on Exhibit A. The Landscaping Plan shall describe the manner in which vegetation is to be maintained on the Southern Berm.

B. The Landscaping Plan shall provide for the contingency that the Berm presently existing on the northern boundary of the Speedway Landfill may be temporarily or permanently lowered or removed as part of the future operations of the Speedway Landfill. The Landscape Plan shall provide for reasonable vegetation and landscape features to minimize the visual impact of operations on the Speedway Landfill when observed from Udall Park and the manner in which the landscaping shall be maintained; and

C. The Landscaping Plan shall provide that the existing Berm on the east side of the Speedway Landfill ("Eastern Berm") shall not be increased in elevation, and shall determine whether it is necessary to lower the elevation of the Berm in any location by an amount not to exceed three (3) feet measured from the current highest point of the Eastern Berm; although Boone believes that it is in the City's and the neighbor's best interests to minimize the removal of vegetation along the Eastern Berm. The Landscape Plan shall state the manner in which vegetation shall be placed, removed and/or maintained on the Eastern Berm.

Implementation of Landscaping Plan. Boone shall make substantial progress toward the final completion of the Landscape Plan within 180 days of its acceptance by the City or a decision of the Arbitrators, whichever comes first, and completion shall meet the maintenance requirements set forth in the Landscape Plan. Any dispute between the parties concerning implementation and/or maintenance of the landscaping installed pursuant to this section shall be resolved pursuant to Section 4.3.

5. Future Operations of Speedway Landfill.

5.1 Placement of Materials. No material shall be placed between the property line of the Speedway Landfill and a setback line 100 feet from the eastern boundary thereof, which is higher than the Berm to which it is adjacent, except that materials may be placed between the eastern Berm and the 100 foot setback line as needed to horizontally build, maintain and stabilize such Berm, implement the Landscape Plan and to the extent necessary to manage drainage. No material may be stored or placed within 100 feet of the portion of the southern boundary of the Speedway Landfill adjacent to Ashton Meadows (as depicted on Exhibit A), unless required by drainage improvements pursuant to the Southern Drainage Plan (as defined below), or with the consent of the owner of Ashton Meadows.

Notwithstanding the foregoing, the Parties acknowledge and agree that it may be necessary to move and store materials adjacent to and/or disturb one or more Berms in connection with the installation and maintenance of the methane gas extraction and control systems referred to in Section 10.

5.2 Operations in General. Subject to its obligations under this Agreement, the requirements and provisions of the Landscape Plan, the provisions of the Speedway Landfill APP and compliance with current federal, state and municipal laws and regulations applicable to its operations, Boone shall be permitted to continue, without interference, the operations of the Speedway Landfill, as they are currently being conducted or as they may be reasonably expanded or modified in conformance with law. Notwithstanding the foregoing, (i) no provision of this Agreement shall be interpreted as constituting the City's consent that the final closure grade of the Speedway Landfill may exceed 2,568 feet.

Notwithstanding the foregoing,

A. The maximum operating and closure grade of the Speedway Landfill shall not exceed 2,568 feet.

B. The elevations contained in the Concept Plan shall be incorporated into the Vincent Mullins Closure Plan and the Speedway Landfill Closure Plan except:

- (i) as required to meet reasonable engineering design criteria;
- (ii) as necessary to comply with ADEQ engineering requirements;
- (iii) to delete the soccer fields shown on the Vincent Mullins portion of the Concept Plan; and
- (iv) to modify contours on the north side of the Vincent Mullins and Speedway Landfills to create storm water flow to the north.

The City and Boone are concerned about the noise created by back up beepers at Speedway Landfill. Consequently, Boone will restrict the use of vehicles equipped with "back up beepers" that can be heard by neighbors to the east of the Speedway Landfill to the hours of 7:00 a.m. to 6:00 p.m. weekdays and Saturdays, and 9:00 a.m. to 6:00 p.m. Sunday. Notwithstanding this provision, Boone may operate a vehicle equipped with a back up beeper at any time (1) if the back up beeper is not used and the use of the back up beeper is not required by applicable law or regulation, or (2) if necessary to meet exigent circumstances of a public emergency including, but not limited to, fire or flood.

6. Southern Drainage.

6.1 Retention of Engineer. Promptly upon the execution of this Agreement Boone shall retain Rick Engineering, or such other licensed engineering firm selected by Boone as may be reasonably approved by the City (the "Engineer"), to prepare engineering plans for the construction of a drainage system on the southern boundary (the "Southern Drainage Plan") of the Speedway and Vincent Mullins Landfills. The purpose of the system shall be to convey storm water from the bridge at the Retreat Apartments to the Pantano Wash. The Southern Drainage Plan shall be prepared and sealed by the Engineer in accordance with the requirements of the Flood Plain Division of the Transportation Department of the City.

6.2 Submission of Southern Drainage Plan. The Southern Drainage Plan shall be submitted to the City for approval (which approval may not be unreasonably withheld) as expeditiously as possible following its completion.

6.3 Construction of Southern Drainage Plan. Upon receipt of approval of the Southern Drainage Plan by the City, and receipt of all necessary licenses and permits (the issuance of which the City agrees to expedite), Boone agrees to cause to be constructed the improvements contemplated by and in accordance with the Southern Drainage Plan. The City hereby grants Boone a right of entry and construction easement, as reasonably required or expedient, in order to design and construct the Southern Drainage Plan.

6.4 City Contributions. The City agrees to contribute to Boone an amount equal to \$450,000 representing the City's share of the cost of constructing the Southern Drainage Plan,

which amount shall be payable as follows: a "mobilization fee" in the amount of \$75,000 in advance for costs to be incurred, upon presentation of invoice; \$93,750 upon completion of earth moving; \$93,750 upon completion of reinforcing; \$93,750 upon completion of concrete pour and \$93,750 upon final completion.

A retention amount equal to 10% of the value of work for which payment is sought shall be withheld on all payments made to Boone until 50% of the work has been completed, and thereafter a 5% retention shall be withheld. The retention shall be released upon satisfactory completion of the work as certified by Rick Engineering and approved by the City. In addition, the City agrees to contribute and pay one-half (1/2) of the fees and expenses of the Engineer relating to the preparation of the Southern Drainage Plan which shall be paid within thirty (30) days of the submission of an invoice by the Engineer.

6.5 Time of Completion. The Parties shall endeavor to complete construction of the Southern Drainage Plan within eighteen (18) months of the date of this Agreement.

6.6 City as Applicant. The City agrees that it shall be named as the "applicant" for a 404 permit from the U.S. Army Corps of Engineers and other permits that may be required for the Southern Drainage Plan. Boone or its agent shall be responsible for the preparation, submittal and prosecution of such permit applications.

6.7 Acquisition of Easements. The City agrees that it will acquire, by whatever lawful means necessary, any easements or rights of way that may be required in order to construct the Southern Drainage Plan on property not owned by a Boone Party or the City.

6.8 Hold Harmless. The Boone Parties shall indemnify, defend, and hold harmless the City from any and all liabilities, costs, loss, fees, and other expenses and claims for damages arising out of Boone's activities on City property conducted pursuant to paragraph 6.3 of this Agreement.

7. Northern Drainage. The City and Boone acknowledge there is a drainage issue affecting the northern portions of the Speedway Landfill and Vincent Mullins Landfill ("Northern Drainage Issue") that will be resolved in accordance with the Concept Plan.

8. Charitable Contribution of Acceptable Fill.

8.1 Prior Contribution. The City acknowledges that as of the date of the Settlement Memorandum, it had accepted Boone's charitable contribution of 95,000 cubic yards of Acceptable Fill which has been placed on an acceptable location on the Vincent Mullins Landfill (the "Prior Contribution").

8.2 Future Contribution. Boone agrees to make another charitable contribution of an additional 105,000 cubic yards of Acceptable Fill which are presently stored on or near the boundary between the Speedway Landfill and the Vincent Mullin's Landfill (the "Future Contribution" and, together with the 2002 Contribution, the "Charitable Contribution") and to relocate the Future Contribution to locations on the Vincent Mullin's Landfill which are adjacent

to the West 100 Feet as reasonably directed by the City at Boone's cost after approval of the Vincent Mullin's Closure Plan as contemplated by Section 3.1, but in no event sooner than June 1, 2003. Boone agrees not to store any additional material on the West 100 Feet. Material removed from the West 100 Feet in order to obtain foundation grades as required by Section 3.1 of this Agreement shall be included as part of the Future Contribution.

8.3 Value of Contributions. The City acknowledges and agrees that the value of the Charitable Contribution is \$6.00 per cubic yard which is the same price as it is paying for Acceptable Material pursuant to Section 9.1. The City agrees to execute such Internal Revenue Service and other forms as may be reasonably requested by Boone in order to document and establish the Charitable Contribution.

9. Purchase of Acceptable Fill by City.

9.1 Purchase of Acceptable Fill. The City agrees to purchase from Boone and Boone agrees to sell to the City, such volume of Acceptable Fill ("Purchased Material") as may be needed to satisfy the requirements of the Vincent Mullins Closure Plan less the sum of (i) the Acceptable Fill furnished to the City by Boone representing the Charitable Contribution, and (ii) no more than 50,000 cubic yards of Acceptable Fill expected to be received by the City in connection with its Fourth Avenue improvement project and relocated at the Vincent Mullins Landfill ("Fourth Avenue Fill") (less the amount of Acceptable Fill delivered to Vincent Mullins between the date of the Settlement Memorandum and the date of this Agreement). The City shall purchase Acceptable Cover Fill from Boone to meet its final cover material requirements for the Vincent Mullins Closure Plan to the extent the Speedway Landfill can supply such Acceptable Cover Fill.

9.2 Purchase Price. The purchase price for the purchased Acceptable Fill shall be \$6.00 per cubic yard, which shall be calculated on the basis of Pay Volume. The City shall be responsible for calculating the Pay Volume of Purchased Material. The purchase price shall include delivery to a location within the Vincent Mullins Landfill as directed by the City, but Boone shall not be required to spread the material after delivery.

9.3 Minimum Purchase. The City agrees to purchase and pay for a minimum of 250,000 yards of Acceptable Fill.

9.4 Schedule for Purchases. The parties agree that the Acceptable Fill to be provided pursuant to the Charitable Gift and the Purchased Material shall be delivered to the Vincent Mullin's Landfill and/or purchased by the City in accordance with a schedule to be finalized by the City within 30 days of ADEQ approval of the Vincent Mullin Closure Plan contemplated by Section 3.1 of this Agreement. A draft schedule is attached hereto as Exhibit D. Changes to Exhibit D shall be reasonably agreed upon by Boone. No change to the schedule shall be adopted which delays the commencement of purchases more than 30 days after ADEQ approval of the closure plan, or delays completion more than 18 months after the first delivery is made.

Notwithstanding the foregoing, the City agrees to purchase at least 75,000 cubic yards of Acceptable Fill from Boone within sixty (60) days after execution of this Agreement by all parties,

which quantity shall be applied against the minimum purchase requirement of Section 9.3. The Acceptable Fill to be provided by Boone pursuant to this paragraph shall be "clean soil".

9.5 Payment of Purchase Price. The purchase price for Acceptable Fill pursuant to this Section 9 shall be paid within sixty (60) days from the receipt of an invoice. Appropriate adjustments to the aggregate purchase price paid by the City for Purchased Material shall be made by Boone or the City, as the case may be, within sixty (60) days following the City's delivery to Boone of the results of its calculation of Pay Volume. Outstanding delinquent balances shall bear interest at the rate of 1.0% per month.

9.6 City Cooperation. The City agrees to cooperate with Boone in satisfying regulatory requirements relating to and mitigating possible adverse effects associated with the relocation of Acceptable Fill from the Speedway Landfill to Vincent Mullins Landfill.

10. Delivery of Future Contribution and Purchased Materials. Boone shall transport material onto the Vincent Mullins Landfill using such lawful means as Boone determines are most efficient. The parties shall comply with all applicable laws and regulations with respect to their respective activities hereunder. Boone shall be responsible for satisfying all regulatory requirements applicable to fugitive waste deposited on the Vincent Mullins Landfill in connection with its activities in relocating Purchased materials to Vincent Mullins Landfill. Boone shall make reasonable efforts and take reasonable precautions to avoid the inadvertent deposit of material on the Vincent Mullins Landfill other than to areas designated by the City. Prior to the commencement of relocation activities pursuant to Section 8.2, the City shall prominently mark the lines and other physical features of the existing methane gas system on the Vincent Mullins Landfill ("Gas System"). Boone shall be responsible for repairing any damage to the Gas System caused by its activities. Upon request, the City shall make reasonable temporary alterations to the gas system to accommodate Boone's obligations under this agreement. The City shall not be required to disconnect the system if doing so violates applicable laws or regulations. Boone shall not be responsible for making any improvements, additions, expansions or enhancements of the Gas System.

11. Methane Gas Extraction and Control System. Upon or prior to the implementation of the Vincent Mullins Closure Plan, the City shall, at its sole expense, install a methane gas extraction and control system for the Vincent Mullins Landfill. The City will be responsible for maintaining and monitoring the existing gas extraction and control system at the Speedway Landfill until such time as a methane extraction system is operational on the Eastern perimeter of the Vincent Mullins Landfill. At such time, the City will have no further obligation to support or maintain the existing gas extraction system on the Speedway Landfill. Boone hereby grants the City a limited right of entry upon the Speedway Landfill for the purposes of monitoring and repairing such system.

12. Access Easement. The City currently accesses the Vincent Mullins Landfill by an unpaved roadway within or near a recorded access easement benefiting the City as shown on Exhibit A. Boone agrees to continue to allow access along such roadway sufficient to permit bi-directional semi-tractor trailer traffic. Boone may, in its sole discretion, move the roadway providing such access; provided, however: (i) reasonable advance written notice is provided to the City; and (ii) the City at all times has the access capacity described in the previous sentence. Unless and until the

easement is moved, Boone agrees that the City may continue to use the existing roadway even though it is not located within the recorded easement. After closure of Speedway Landfill, the City shall have the right to construct and maintain at its expense a roadway within the limits of the easement recorded prior to the date of this Agreement, provided such roadway is not prohibited by the Vincent Mullin's APP or Closure Plan, or other applicable law or regulation. Boone agrees that it shall use its best efforts to obtain regulatory approval, including approval from ADEQ and authorization within its APP, for such a roadway.

12. Dismissal of Civil Litigation with Prejudice.

A. Within ten (10) days of the approval of this Agreement, Boone shall dismiss the Boone Lawsuit, with prejudice.

B. Within ten (10) days of the approval of this Agreement, Tankersley shall dismiss the Tankersley Lawsuit, with prejudice.

13. Release. The City of Tucson, on the one hand and Boone Operations Company, L.L.C., Fairfax Management, Inc., the Trusts, Trust 11,045, Fairfax Management Co. LLC, Resource Recovery Trust, an Arizona corporation, Jason Tankersley and Douglas Kennedy, individually and on behalf of their respective communities where applicable, on the other hand, agree to fully and forever relieve, release and discharge each other, and all of their agents, representatives, officers, directors, shareholders, council members, predecessors, successors, subsidiaries, operation units, affiliates, division, employees, government officials and attorneys from all claims, demands, causes of action, debts, liabilities, obligations, promises, acts, agreements, contracts, costs and expenses (including, but not limited to, attorney's fees) damages, actions and causes of action of any kind whatsoever, whether in law or in equity, whether currently known or unknown, suspected or unsuspected, which each may have against the other arising from the operations and ownership of the properties, businesses, and/or facilities known as the Speedway Landfill and Vincent Mullins Landfill and the litigation that has been filed and/or threatened between these releasing parties arising from such properties, businesses, and/or facilities. The release is expressly designed to extinguish all claims between Boone and the City arising out of the Previous Agreement and the alleged disposal by the City of Municipal Solid Waste on the Speedway Landfill. This release shall not affect the rights or liabilities, if any, created by the license agreement entered into by Trust 11,045 and the City of Tucson, dated October 4, 1989.

14. City Knowledge of Existing Violations of this Agreement. The City of Tucson is not aware of any conduct or action on the part of Boone or any condition that may exist at the Speedway Landfill which would constitute a violation of law or breach of this Agreement.

15. Cancellation and Termination of Previous Agreement. Without acknowledging or admitting that the Previous Agreement is currently in effect, each of the parties acknowledges and agrees that the Previous Agreement has been terminated and is no longer of force or effect or binding upon any party.

16. Sharing of Documents. Each Party will provide the other with a copy of all documents submitted to ADEQ as part of a permit modification request within a reasonable time after submission of such documents.

17. City Representation and Covenants. The City represents and covenants to Boone that the terms and the authority of the undersigned to execute this Agreement were duly approved at a properly noticed meeting of the Tucson City Council held January 13, 2003 and that the resolution approving the same has not been rescinded or modified.

18. Binding Agreement/Duly Executed. This Agreement constitutes the legal, valid and binding obligation of each of the parties hereto enforceable against such party in accordance with its terms. All consents, approvals, and authorizations necessary for the execution, delivery and performance by such party of this Agreement have been duly and lawfully obtained and each such party has full right, power, authority and capacity to execute, deliver and perform this Agreement.

19. Arbitration/Dispute Resolution. The City and Boone expressly agree that, except for disputes arising out of alleged violations of Sections 9 and 10 all disputes arising out of this Agreement shall be resolved by arbitration in accordance with the following provisions. Either party must demand in writing such arbitration within ten days after the controversy arises by sending a notice to arbitrate to both the other party and to the American Arbitration Association ("AAA"). The controversy shall then be arbitrated, pursuant to the rules promulgated by the AAA, in Tucson, Arizona. The parties will select by mutual agreement the arbitrator or arbitrators (hereinafter collectively referred to as "Arbitrator") to herein resolve the controversy. The Arbitrator shall be governed by the express terms of this Agreement and the laws of the State of Arizona. The Arbitrator's decision shall be final and binding on the parties and shall bar any suit, action or proceeding instituted in any federal, state or local court for administrative tribunal. Notwithstanding the preceding sentence, the Arbitrator's judgment may be entered in any court of competent jurisdiction. These arbitration provisions shall survive the termination of this Agreement. Disputes arising under either Section 9 or 10 may be litigated and injunctive relief sought in any court having jurisdiction over the subject matter of such dispute.

20. General Provisions.

20.1 Notices. All notices, requests, demands, statements, reports and other communications provided for by this Agreement shall be in writing and shall be (a) delivered personally, (b) sent by certified mail, return receipt requested, postage prepaid or (c) sent by facsimile. A Notice shall be deemed to be given in case (a) on the date of its actual receipt by the party entitled thereto or if personally delivered, (b) on the business day following the date of its mailing or (c) on the date of successful facsimile transmission unless such date is not a business date in which event it shall be the business date immediately following such successful transmission. All notices shall be addressed and mailed or delivered to the following addresses:

If to the City:

CITY OF TUCSON  
Department of Solid Waste  
4004 South Park Avenue  
Tucson, AZ 85714  
Phone: (520) 791-3175  
Fax: (520) 791-5417 4155

If to any of Boone:

BOONE OPERATIONS CO. L.L.C.  
P. O. Box 31748  
Tucson AZ 85751  
Phone: (520) 290-9313  
Fax: (520) 290-9314

FAIRFAX MANAGEMENT CO., LLC  
P. O. Box 31748  
Tucson AZ 85751  
Phone: (520) 290-9313  
Fax: (520) 290-9314

JASON TANKERSLEY  
P. O. Box 31748  
Tucson AZ 85751  
Phone: (520) 290-9313  
Fax: (520) 290-9314

DOUGLAS KENNEDY  
2841 N Orlando Ave  
Tucson AZ 85712  
Phone: (520) 290-9313  
Fax: (520) 290-9314

Any party may change his/its address for notices by giving notice in accordance herewith.

20.2 Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the subject matters hereof and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

20.3 Modification and Waiver. No amendment or variation of the terms of this Agreement shall be valid unless made in writing and signed by each of the parties. A waiver of any term or condition of this Agreement shall not be construed as a general waiver by a party and such party shall be free to reinstate any such term or condition with or without notice to any other party.

20.4 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona, excluding its conflicts of law provisions.

20.5 Binding Effect. This Agreement shall be binding upon and inure to the benefit of, the heirs, personal representatives, successors and assigns of the parties; subject, however, to the restrictions on assignment contained herein.

20.6 Captions. The captions and paragraph headings in this Agreement are provided for convenience only and shall not be used to interpret, alter, modify or change any provision of this Agreement.

20.7 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

DATED: this 15<sup>th</sup> day of April, 2003.

CITY OF TUCSON, a municipal corporation

BOONE OPERATIONS CO. LLC, Arizona limited company

By: [Signature]  
Its: City Manager

By FAIRFAX MANAGEMENT CO., LLC, an Arizona limited liability company, Manager of Boone Operations, Co., LLC

Attest:

By CAMPBELL MANAGEMENT CO., LLC an Arizona limited liability company, Manager of Fairfax Management Co., LLC

[Signature]  
City Clerk

By RESOURCE RECOVERY TRUST, INC. an Arizona corporation, Member of Campbell Management Co., LLC

Reviewed as to Form:

By: [Signature]  
Douglas Kennedy, Chief Executive Officer of Resource Recovery Trust, Inc.

[Signature]  
City Attorney

[Signature]  
Douglas Kennedy

LAWYERS TITLE OF AZ, INC. AN ARIZONA CORPORATION, AS TRUSTEE UNDER 7610-T

[Signature]  
Jason Tankersley

By: [Signature]

By RESOURCE RECOVERY TRUST, INC. an Arizona corporation, Member of Campbell Management Co., LLC

LAWYERS TITLE OF AZ, INC. AN ARIZONA CORPORATION, AS TRUSTEE UNDER 7714-T

By FAIRFAX MANAGEMENT CO., LLC an Arizona limited liability company

By: [Signature]

By [Signature]  
Douglas Kennedy, Chief Executive Officer of Resource Recovery Trust, Inc.

## EXHIBIT "C" TO SETTLEMENT AGREEMENT DATED 4/15/03

Method of Measurement. Excavation will be measured by the cubic in the original space occupied and the volume of material removed will be computed in cubic yards by the Prismoidal/Triangle Volume Method.

Cut and fill volumes are calculated by projecting the triangles of the Digital Terrain Model (DTM) of the original ground surface of the excavation area, onto the DTM of the ground surface of the excavation area after the material is removed. The total volume is the sum of the volume of each of the resultant prisms.

These DTM's will be prepared by a registered Land Surveyor licensed to practice in the State of Arizona and will be referenced to a Project Bench Mark established at the Project Site. The DTM can be prepared by either of the following two methods:

1. Utilizing an Aerial Photogrammetric Method with an accuracy necessary to produce the equivalent 40-scale, 1-foot contour topographic mapping of the ground surface; or
2. Utilizing a Field Survey Method with spot elevations provided at the tops and toes of all slopes, and all breaklines along the ground surface.

# "EXHIBIT A"



SCALE: 1" = 500'

TOWNSHIP 14 SOUTH, RANGE 15 EAST,  
SECTION 5, G&SRM, PIMA COUNTY, ARIZONA



**RICK  
ENGINEERING  
COMPANY**

1745 East River Rd., Ste. 101 • Tucson, AZ 85718  
Tel. (520)795-1000 FAX (520)322-6956 • www.rickeng.com

EXHIBIT DATE: 4/15/03

PAGE 1 OF 1  
15-APR-2003

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**DEPARTMENT OF ENVIRONMENTAL QUALITY**

33 N. Stone Avenue, Suite 700  
Tucson, Arizona 85701-1429  
www.deq.pima.gov

Ursula Kramer, P.E.  
Director

(520) 243-7400  
FAX (520) 838-7432

May 25, 2011

The Fairfax Companies, LLC  
Attn: Mr. Jason Tankersley, CEO  
P.O. Box 31748  
Tucson, AZ 85751-1748

Re: Speedway Recycling and Landfill Facility, Air Quality Compliance Landfill Operation Plan Review

Dear Mr. Tankersley:

The Pima County Department of Environmental Quality (PDEQ), Air Quality Compliance Program has reviewed the Landfill Operation Plan (LOP) for compliance with the County air quality regulations and noted the following:

1. Fugitive Dust Emission Compliance

The LOP outlines measures planned at the operation to prevent fugitive dust in Section 4.16.2. The proposed control measures in the LOP appear to be reasonable measures proposed to comply with the Pima County fugitive dust rules. Please note, PDEQ does not prescribe nor endorse specific measures as compliant measures. Title 17 of the Pima County Code (PCC) requires facilities and operations to take reasonably necessary and feasible precautions to control fugitive dust emissions for compliance with County visibility limiting standards and to prevent dust generated on the property from diffusing beyond property boundaries. These regulations are codified in Title 17, at §§ 17.16.040 through 17.16.050. PCC also has nonpoint source fugitive dust best management practice (BMP) standards for control of emissions from specific sources that include: Fugitive Dust Producing Activities, Motor Vehicles, Open Spaces, Roads and Streets, Particulate Materials Handling, and Storage Piles. These regulations are applicable to the landfill and recycling operations and are codified in Title 17, at §§ 17.16.060 through 17.16.120. These rules can be accessed and viewed on PDEQ's website.

2. Asbestos Emission Compliance

The LOP states in Section 4.12 that no asbestos containing materials (ACM) are accepted at the facility. In Section 4.13, the LOP further states the facility will not accept friable asbestos or friable asbestos containing materials. The LOP describes the use of spotters and training personnel to recognize unacceptable wastes and to screen and reject these wastes for disposal or recycling operations. The methodology described in the LOP appears to be consistent with standard landfill waste screening protocols for unacceptable wastes. It appears that regulated asbestos containing materials are not accepted by the landfill.

Letter to J. Tankersley

May 25, 2011

Re: Speedway Recycling and Landfill Facility, AQ Compliance LOP Review

Page Two

### 3. Odor Emission Compliance

The LOP addresses controlling food wastes and uncommonly odorous waste immediately upon receipt in Sections 4.16.3. and 4.16.4. The LOP describes that operations may use an odor control solution diluted in water as necessary to neutralize odors upon detection. The LOP does not directly describe control methods to prevent malodorous conditions that may result from the processing and storage of green waste and or composting in its operations. PDEQ has responded to complaints of odors from neighbors for this facility in the past related to green waste odors. Green waste can develop a musty odor when acted on by moisture and biodegradation reactions. This odor can be exacerbated by poor handling and slow turnover during storage. Title 17, PCC § 17.16.030 requires sources to prevent gaseous or odorous emissions from equipment, operations or premises in such quantities as to cause air pollution. Compliance with the odor and air pollution regulation will require adequate control measures to be taken to prevent odors from crossing property boundaries such that they interfere with the enjoyment of life or property of neighboring communities.

### 4. Stationary Source Permit Applicability

The LOP describes the future use of a crusher to recycle and process concrete foundations and asphaltic concrete from demolition debris as well as the use of reclaim machinery. PDEQ also noted the listing of a generator and a grinder in the facility equipment list. The landfill facility and attendant recycling operations may be subject to stationary source review for the crushing and screening facilities and any stationary rotating machinery utilized for electrical generation or powering equipment. Please contact PDEQ's permitting department for questions about permit applicability and an application if required.

In general the LOP appears to describe reasonable measures to control air pollution. PDEQ notes that particular attention and emphasis has been placed on measures to be taken in the eastern boundary of the property due to its proximity to residential areas. We agree with the importance of this emphasis to prevent air pollution along this eastern boundary.

Sincerely,



Richard Grimaldi  
Deputy Director for EQ Division  
Pima County Department of Environmental Quality

RG/vlb

cc: Ursula Kramer, P.E., Director, PDEQ



Janice K. Brewer  
Governor

ARIZONA DEPARTMENT  
OF  
ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007  
(602) 771-2300 • www.azdeq.gov



Henry R. Darwin  
Acting Director

December 20, 2010  
PRU10-639

**Certified Mail**  
Return Receipt Requested

Jason Tankersley  
Fairfax Management Co., L.L.C.  
PO Box 31748  
Tucson, AZ 85751

**RE: Notification of Speedway Solid Waste Transfer Facility**

Dear Mr. Tankersley:

The Arizona Department of Environmental Quality (ADEQ), Solid Waste Plan Review Unit (PRU), recently completed an internal review of its transfer station facility files. During that review it was determined that the PRU had received your notification for Speedway Transfer Facility on March 12, 2004. The PRU has also noted that a letter acknowledging an ADEQ review had not been sent to your attention. The PRU has reviewed the notification and found it to be complete. This letter, acknowledging your notification, will be placed in our files.

In accordance with Arizona Revised Statutes (A.R.S.) § 49-762.07(F) Speedway Solid Waste Transfer Facility shall be operated in a manner that:

1. Controls wind dispersion and other surface dispersion of solid waste from the facility so that the solid waste does not create a public nuisance or pose an imminent and substantial endangerment to public health or the environment. Visible solid waste that is dispersed beyond the boundaries of the solid waste transfer facility shall be collected on a regular basis by the operator of the transfer facility;
2. Does not discharge hazardous substances as defined in A.R.S. § 49-281 to surface water, groundwater, or subsurface soil in a manner that creates a public nuisance or poses an imminent and substantial endangerment to public health or the environment;
3. Control vector breeding and fire hazards; and
4. Utilizes reasonable measures to control public access.

Northern Regional Office  
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001  
(928) 779-0313

Southern Regional Office  
400 West Congress Street • Suite 433 • Tucson, AZ 85701  
(520) 628-6733

Mr. Jason Tankersley  
PRU10-639  
Page 2 of 2

If you have any questions regarding this letter please contact Barbara Waterbury of my staff at (602) 771-4120 or toll-free at (800)234-5677, Ext. 771-4120.

Sincerely,

A handwritten signature in cursive script that reads "Denise L. McConaghy". The signature is written in black ink and is positioned above the printed name.

Denise L. McConaghy, P.E.  
Manager  
Solid Waste Plan Review Unit  
Permits Section

cc: facility file